

**ORDINANCE NO. \_\_\_\_\_**

**CITY OF LAKEVILLE  
DAKOTA, COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING TITLE 11 OF THE LAKEVILLE  
CITY CODE, THE ZONING ORDINANCE, CONCERNING  
THE ZONING MAP, ADMINISTRATION AND GENERAL PERFORMANCE  
STANDARDS, AND ZONING DISTRICT PROVISIONS**

**THE CITY COUNCIL OF THE CITY OF LAKEVILLE ORDAINS:**

**Section 1.** The following definitions included in Section 11-2-3 of the City Code are hereby amended to read as follows:

ANIMAL KENNEL: Any place where more than three (3) domestic animals of one type, over six (6) months of age, are kept, sold, boarded, bred, or exhibited, except hospitals, clinics, and other premises operated by a licensed veterinarian exclusively for the care and treatment of animals.

BLUFF: A sloped topographic feature having all of the following characteristics:

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least 25 feet above the ordinary high water level of the waterbody or toe of the bluff. For purposes of this subpart, "toe of the bluff" means the lower point of a horizontal ten-foot segment with an average slope exceeding 18 percent; and
- C. The grade of the slope from the ordinary high water level of the water body or the toe of the bluff to averages 30 percent or greater. For purposes of this subpart, "top of the bluff" means the higher point of the highest horizontal ten-foot segment with an average slope exceeding 18 percent.

BLUFF IMPACT ZONE: A bluff and land located within twenty feet (20') of a bluff.

COMMERCIAL USE: The principal use of land or buildings for the sale, lease, rental or trade of products, goods, and services, including, but not limited to, the following unless specifically defined by this Title:

- A. Office Business: An establishment located within a building or portion of a building for the conduct of business activities involving predominantly professional, administrative or medical service operations including attorneys, financial advisors, consultants, insurance, outpatient health services and other uses of similar character.
- B. Restaurant (Convenience): An establishment that serves food and/or beverages, in or on disposable or edible containers, for consumption on or off premises, including drive-in restaurants, and including drive-through facilities.
- C. Restaurant (General): An establishment which serves food in or on nondisposable dishes to be consumed primarily while seated at tables or booths within the building.
- D. Retail Business: An establishment engaged in the display and sale of products produced off site directly to consumers within a building or portion of a building, excluding any exterior display and sales.
- E. Service Business (Off Site): A company that provides labor, maintenance, repair and activities incidental to business production or distribution where the service is provided at the customer's location, including delivery services, catering services, plumbing and sewer services, and other uses of similar character.
- F. Service Business (On Site): An establishment that provides labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as banks, copy centers, barber/beauty salons, tanning salons, laundromats, dry cleaners, funeral homes and mortuaries, animal grooming, appliance repair, tailor shops, travel bureaus.

COMPREHENSIVE PLAN: The Lakeville Comprehensive Plan, which includes various chapters addressing land use,

transportation, water system, sanitary sewer, water resources, wetland management, parks, trails and open space and capital improvements.

CONDOMINIUM OR COMMON INTEREST COMMUNITIES: A development containing individually owned units and jointly owned and shared areas wherein the boundaries are defined by a condominium plan or common interest community in accordance with Minnesota Statutes Chapters 515, 515A or 515B, as amended.

DWELLING, SENIOR HOUSING: A dwelling with open occupancy limited to persons over fifty five (55) years of age.

DWELLING UNIT: A residential building or portion thereof intended for occupancy by one or more persons with facilities for living, sleeping, cooking and eating, but not including hotels, motels, nursing homes, tents, seasonal cabins, boarding or rooming houses, motor homes, or travel trailers except within the Shoreland Overlay District where these uses shall be considered dwelling units.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by private or public utilities, or municipal departments of underground or overhead telephone, gas, electrical, steam, hot water, communication, waste, or water transmission, distribution, collection, supply or disposal systems, including water towers, wells, poles, wires, radio receivers and transmitters, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, utility substations and other similar equipment, accessories and related structures in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Essential services shall not include waste facilities or personal wireless service antennas or support structures.

FAMILY: An individual or group that maintains a common household and use of common cooking and kitchen facilities and common entrances to a single dwelling unit, where the group consists of:

1. Two (2) or more persons each related to the other by blood, marriage, domestic partnership, adoption, legal guardianship (including foster children); or,
2. Not more than four (4) unrelated persons.

FENCE: Any partition, structure, wall or gate erected as a dividing mark, barrier or enclosure.

FILLING: The act of depositing any rock, soil, gravel, sand or other material to raise the existing elevation of a property.

FLAG: Any fabric, usually rectangular, of distinctive design that is used as a symbol, signaling device, sign, or decoration.

GARAGE, PRIVATE (RESIDENTIAL): A detached accessory building or attached accessory portion of the principal building which is primarily intended for and used to store the private motor vehicles of the family resident upon the premises.

GREENHOUSE: An enclosed building, permanent or portable, which is used for the growing of small plants.

LOT, BASE: Lots meeting all the specifications in the zoning district prior to being subdivided into unit lots.

LOT FRONTAGE: The narrowest lot boundary abutting a public street that meets minimum lot width requirements. If none of the boundaries abutting a public street meet minimum lot width requirements, then the lot frontage is the widest boundary abutting a street.

LOT, UNIT: Lots created from the subdivision of a base lot for the purpose of developing detached townhouse, two-family, attached townhouse or condominium residential, commercial or industrial developments or developments with more than one principal structure on a lot whereby the individual units have title to the portion of land that is generally underlying the structure.

OFF PREMISES SIGN: A commercial speech sign, including billboards, which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For purposes of the sign ordinance, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off premises sign.

PARKING STALL: An area enclosed in the principal building, in an accessory building, or unenclosed, sufficient in size to store one motor vehicle.

PYLON SIGN: Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open. Pylon signs may also be referred to as a pole sign.

TEMPORARY STRUCTURE: A structure that is not permanently erected on a site.

**Section 2.** The following definitions included in Section 11-2-3 of the City Code are hereby repealed:

BILLBOARD: See definition of Off Premises Sign.

BLUFF, TOE OF: The lower point of a fifty foot (50') segment with an average slope exceeding eighteen percent (18%).

BLUFF, TOP OF: The higher point of a fifty foot (50') segment with an average slope exceeding eighteen percent (18%).

DWELLING, MANOR HOMES: A residential structure with five (5) to eight (8) units with each unit having a separate entrance/exit. There may be more than one floor and an attached garage space.

DWELLING, QUADRAMINIUM: A single structure which contains four (4) separately owned dwelling units, all of which have individually separate entrances from the exterior of the structure.

FARM, HOBBY: A tract of land consisting of ten (10) or less acres in size with a house and accessory buildings on which crops and often livestock are raised but not as a principal source of income. A hobby farm shall not qualify for exemptions provided in this title for farms.

FREEWAY CORRIDOR AREA: A special signing area encompassing land located within one thousand five hundred feet (1,500') either side (east/west) of the centerline of Interstate 35.

HOTEL: Any building or portion thereof occupied as the more or less temporary abiding place of individuals and

containing six (6) or more guestrooms, used, designated, or intended to be used, let or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

LOT AREA, MINIMUM (Lots Of Record And Preliminary Platted Lots Having Legal Standing On January 1, 1994): Except as may be otherwise required by this title, the area of a horizontal plane within the lot lines.

LOT AREA, MINIMUM (Lots Of Record Established After January 1, 1994): Except as may be otherwise expressly allowed in this title, the area of a horizontal plane within the lot lines excluding "major drainageways", as defined by the comprehensive storm drainage plan, wetlands, water bodies, road rights of way, required buffer strips, regional utility/pipeline easements, and slopes steeper than three to one (3:1).

POLE SIGN: See definition of Pylon Sign.

TEMPORARY COMMERCIAL STRUCTURE: A structure used on a temporary basis for an occupation, employment, or enterprise that is carried on by the owner, lessee, or licensee.

**Section 3.** Section 11-2-3 of the City Code is hereby amended to include the following definitions:

AUTOMOBILE REPAIR (MAJOR): General repair, rebuilding or reconditioning engines, motor vehicles, motorcycles, boats, recreational vehicles and/or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

AUTOMOBILE REPAIR (MINOR): Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks, motorcycles, boats, recreational vehicles and other vehicles not exceeding twelve thousand (12,000) pounds gross weight, but not including any operation specified under the definition of Automobile Repair (Major).

BANNER SIGN: A strip of fabric, cloth, vinyl, plastic or other material upon which a sign is displayed.

**CONTINUING CARE RETIREMENT COMMUNITY (CCRC):** A residential land use that provides multiple elements of senior adult living combining aspects of independent living with increased care, as lifestyle needs change with time. Housing options may include various combinations of senior adult detached, senior adult attached, congregate care, assisted living and nursing care aimed at allowing the resident to live in one community as their medical needs change. The use may also contain special services such as medical, dining, recreational and some limited, supporting retail facilities.

**EARTH BERM:** A mound or wall of soil, sand or other earth material covered in grass, plantings or other landscaping materials.

**EQUAL DEGREE OF ENCROACHMENT:** A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

**FLOOD PROOFING:** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

**FOUNDATION:** The basis on which a structure stands, is founded, or is supported.

**GOLF COURSE:** An area of land laid out for playing golf typically with a series of nine to 18 holes with tees, fairways, putting greens and natural or man-made hazards. Term includes related practice, grounds keeping and clubhouse or banquet facilities.

**HOTEL:** Any building or portion thereof occupied as the more or less temporary lodging of transient persons and guest related services for compensation, whether the compensation be paid directly or indirectly.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

**Obstruction:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel

modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Reach: A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Substantial Damage: Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

**Section 4.** Section 11-3-3.A of the City Code is hereby amended to read as follows:



- A. Request for text and map amendments to the zoning ordinance shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as provided by City Council resolution. The request shall be considered as being officially submitted when all the information requirements are complied with as determined by the Zoning Administrator. In cases when an application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission.

**Section 5.** Section 11-4-3.A of the City Code is hereby amended to read as follows:

- A. Request for conditional use permits, as provided within this Title, shall be filed with the Zoning Administrator on an official application form. Unless modified by the Zoning Administrator, such application shall be accompanied by a fee as provided for by City Council resolution. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission.

**Section 6.** Section 11-4-3.L of the City Code is hereby amended to read as follows:

- L. Approval of a request shall require passage by a majority vote of the City Council.

**Section 7.** Section 11-4-3.M of the City Code is hereby amended to read as follows:

- M. Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for the conditional use permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be

considered again by the Planning Commission or City Council for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made a majority vote of the City Council.

**Section 8.** Section 11-4-11 of the City Code is hereby amended to read as follows:

11-4-11: PERMIT MODIFICATIONS:

Holders of a conditional use permit may propose modifications to the permit at any time. No changes in the approved plans or scope of the conditional use shall, however, be undertaken without prior approval of those changes by the City. Requests for permit modifications shall be processed according to Section 11-4-3 of this Chapter and shall be subject to all requirements and standards of this Chapter, except that those permit modifications meeting the following criteria, as determined by the Zoning Administrator, may be approved administratively in accordance with Chapter 8 of this Title:

- A. Only applications for preexisting uses or uses explicitly classified as allowed uses, including accessory uses, by the approved conditional use permit governing the use of the property are eligible for administrative approval.
- B. The permit modification shall not result in an increase in hours of operation, traffic, employees, or number of dwelling units, expand any principal building or otherwise increase the intensity of the use of the site.
- C. The permit modification shall comply with all requirements of the applicable zoning district and all other performance standards of this Title or the City Code.
- D. All applications for permit modification shall be complete and in full accordance with the requirements of Section 11-9-13 of this Title and all applicable fees shall be paid.

**Section 9.** Section 11-6-7.B.1.b of the City Code is hereby amended to read as follows:

- b. In cases when an application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission.

**Section 10.** Section 11-6-7.B.2.c of the City Code is hereby amended to read as follows:

- c. In cases when an application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days from the date of submission.

**Section 11.** Section 11-7-9.A of the City Code is hereby amended to read as follows:

- A. The property owner or their agent shall file with the Zoning Administrator a notice of appeal stating the specific grounds upon which the appeal is made. Said application shall be accompanied by a fee as established by City Council resolution. In cases where the application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.

**Section 12.** Section 11-8-3.A.3 of the City Code is hereby amended to read as follows:

- 3. The zoning administrator shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this title. In cases where the application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what

information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.

**Section 13.** Section 11-8-3.B.1 of the City Code is hereby amended to read as follows:

1. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for trash containment, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.

**Section 14.** Section 11-9-5 of the City Code is hereby amended to read as follows:

11-9-5: SKETCH PLAN:

- A. Prior to the formulation of a site plan, applicants may present a sketch plan to the Zoning Administrator prior to filing of a formal application. The plan shall be conceptual but shall be drawn to scale with topography of a contour interval not greater than two feet (2') and may include the following:
  1. The proposed site with reference to existing development, topography, and drainage conditions on adjacent properties, at least to within two hundred feet (200').
  2. Natural features.
  3. General location of existing and proposed structures including signs.
  4. Tentative access, circulation and street arrangements, both public and private.
  5. Amenities to be provided such as recreational areas, open space, walkways, landscaping, etc.
  6. General location of parking areas.
  7. Proposed public sanitary sewer, water and storm drainage.

8. A statement showing the proposed density of the project with the method of calculating said density also shown.
  9. Extent of and any proposed modifications to land within the special Environmental Protection Districts as established by Chapter 45 of this Title.
  10. Other items as may be deemed necessary by the zoning administrator.
- B. Any opinions or comments provided to the applicant by the Zoning Administrator in relation to the sketch plan shall be considered advisory only and shall not constitute a binding decision on the request.

**Section 15.** Section 11-9-7.A of the City Code is hereby amended to read as follows:

- A. Filing Of Request: Request for site plan approval, as provided within this Title, shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as established by City Council resolution. Such application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use. The request shall be considered as being officially submitted and complete when the applicant has complied with all specified information requirements. In cases where an application is judged to be incomplete, the Zoning Administrator or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.

**Section 16.** Section 11-9-15 of the City Code is hereby amended to read as follows:

11-9-15: PLAN MODIFICATIONS:

An amended site plan involving major changes as determined by the zoning administrator shall be applied for and administered as required for a new site plan.

**Section 17.** Title 11, Section 9 of the City Code is hereby amended to include the following provisions:

11-9-25: SITE PLAN REVIEW: The Zoning Administrator shall have the authority to refer a sketch plan or site plan to the Planning Commission and/or City Council for discussion, review, and informal comment. Any opinions or comments provided to the applicant by the Zoning Administrator, Planning Commission, and/or City Council shall be considered advisory only and shall not constitute a binding decision on the request.

**Section 18.** Section 11-15-3.A of the City Code is hereby amended to read as follows:

- A. Conditional Uses/Interim Uses/Uses By Administrative Permit: Any legal nonconforming structure or use that is herein classified as a conditional use, interim use, or use by administrative permit may be continued in like fashion and activity and shall automatically be considered as having received the applicable approval. Any change to such a use, including, but not limited to, building and/or site alteration, shall however require a new permit be processed according to this title.

**Section 19.** Section 11-15-3.B of the City Code is hereby amended to read as follows:

- B. Moving Nonconforming Buildings: Subject to section 11-17-25 of this title, no nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted at the time it became a legal nonconformity, unless such movement will reduce the nonconformity.

**Section 20.** Section 11-15-3.D of the City Code is hereby amended to read as follows:

- D. Continuance Of Legal Nonconformity: Any legal nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration,

maintenance, or improvement, but not including expansion, except as specifically provided in this chapter, unless:

1. The nonconformity or occupancy is discontinued for a period of more than one year; or
2. Any nonconforming use is destroyed by fire or other peril to the extent of greater than fifty percent (50%) of its market value, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged. In this case, the city of Lakeville may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.
3. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

**Section 21.** Section 11-15-3 of the City Code is hereby amended to include the following provision:

- E. For the purposes of this Section, the following terms shall be defined as follows:
  1. "Expansion", "enlargement", or "intensification" shall mean any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the non-conforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the city.

2. "Improvement" shall mean making the non-conforming use better, more efficient, or more aesthetically pleasing, including any change that does not replicate what pre-existed, but does not include an expansion, enlargement, or intensification.
3. "Replacement", "reconstruction" or "restoration" shall mean construction that exactly matches pre-existing conditions.

**Section 22.** Section 11-15-5.B of the City Code is hereby amended to read as follows:

B. Changes to Nonconforming Uses:

1. When a legal nonconforming use of any structure or parcel of land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
2. A legal nonconforming use of a structure or parcel of land may be changed to reduce the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.

**Section 23.** Section 11-15-7 of the City Code is hereby amended to read as follows:

- A. Proposed Structure: Any proposed structure that will become nonconforming by amendment of this Title but for which a building permit has been lawfully granted prior to the effective date of the amendment, may be completed in accordance with the approved plans; provided construction is started within sixty (60) days of the effective date of the amendment, is not abandoned for a period of more than one hundred twenty (120) days, and continues to completion within two (2) years. The structure shall thereafter be a legal nonconforming structure.
- B. Alterations: Alteration and normal maintenance to a legal nonconforming building or structure may be made through the building permit process provided:



1. The alterations do not expand the foundation and/or building size (including deck additions), unless specifically allowed by this title.
2. The alterations do not increase the building occupancy capacity or parking demand.
3. The alteration does not increase the degree of the nonconforming condition of the building, site or the use.

C. Expansion of Legal Nonconforming Buildings or Structures:

1. Administrative Approvals: Except in the environmental protection districts, the following expansions of legal nonconforming single- and two-family residential buildings may be approved through the administrative permit process by the zoning administrator subject to the provisions of chapter 8 of this title. The zoning administrator shall make a determination that the building expansion will comply with the intent and purpose of this chapter and this title.
  - a. Expansion of principal buildings found to be nonconforming only by reason of height and yard setback may be allowed provided the expansion complies with the performance standards of this title.
  - b. Expansion of nonconforming detached accessory structures shall not be allowed.
2. Conditional Use Permit: Legal nonconforming commercial, industrial, public, semipublic, and multiple-family residential principal structures may be expanded on the same lot by conditional use permit provided:
  - a. The expansion will not increase the nonconformity of the building or site.
  - b. The new building expansion will conform to all the applicable performance standards of this title. A conditional use permit shall not be issued under this chapter for a deviation from other

requirements of this title unless variances are also approved.

- c. The request for conditional use permit shall be evaluated based on standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

**Section 24.** Section 11-15-9 of the City Code is hereby amended to read as follows:

- A. General Restriction. No building, structure or use shall be erected, constructed or established on a nonconforming lot unless a variance is granted by the City, except as otherwise provided for by this Title.
- B. Required Merger of Common Ownership Lots: Except as provided for in Section 11-102-15 of this Title or as may otherwise be allowed pursuant to this chapter, if in a group of two (2) or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel is nonconforming as to lot width, lot area, or lot frontage such individual lot or parcel shall not be sold or developed as a separate parcel of land, but shall be combined with adjacent lots or parcels under the same ownership or control so that the combination of lots or parcels will equal one (1) or more zoning lots each meeting the full lot requirements of this title lessening the nonconformity.
  - 1. The designation of a zoning lot pursuant to this section shall be approved by the zoning administrator if the zoning lot complies with the lot requirements of the district in which it is located and will have a single tax identification number.
  - 2. Interior lot lines within a designated zoning lot shall be disregarded in applying setbacks and other zoning ordinance standards.

3. The subdivision of a designated zoning lot shall be in accordance with Title 10 of the City Code.

C. Vacant Or Redeveloped Lots: Except in environmental protection districts established in Chapter 45 of this Title, legal, nonconforming, vacant lots of record may be developed for single-family detached dwellings upon approval of an administrative permit, provided that:

1. Legally Established: The lot in question was legally established in accordance with requirements of this code existing at the time of its creation and is a separate, distinct tax parcel.
2. Allowed Use: Single-family residential dwellings are an allowed use within the base zoning district.
3. Minimum Lot Size:
  - a. Sewered Lots: A legal nonconforming lot having direct access, as determined by the City Engineer, to municipal sewer shall be considered buildable provided measurements for lot area and/or width meet minimum requirements or are sixty six percent (66%) of the requirement of the base zoning district.
  - b. Unsewered Lots: A legal nonconforming lot not having access to municipal sewer shall be considered buildable provided it complies with section 11-17-19 of this title.
  - c. The lot shall not have more than twenty five percent (25%) impervious surface if located within the Shoreland Overlay District.
4. Access: The lot in question has frontage on and will directly access an improved public street.
5. Health Concerns: Public health concerns (potable water and sanitary sewer) can be adequately addressed.
6. Setback and Yard Requirements: The setback and yard requirements of the base zoning district can be achieved while simultaneously

resulting in development which complies with the character and general design of the immediate area and the objectives of the comprehensive plan and this title.

- D. Developed Lots: An existing conforming use on a lot of substandard size and/or width may be expanded or enlarged if such expansion or enlargement meets all other provisions of this title.

**Section 25.** Section 11-16-7.D of the City Code is hereby amended to read as follows:

D. City Engineer Approval:

1. In the case of all single-family lots, multiple-family lots, business, industrial and institutional developments, the drainage and erosion control plans shall be subject to the engineer's written approval.
2. No modification in grade and drainage flow through fill, cuts, erection of retaining walls or other such actions shall be permitted until such plans have been reviewed and received written approval from the City Engineer.
3. Prior to the release of the required grading security, an as-built certificate of survey shall be submitted to verify that the final as-built grades and elevations of the lot and building setbacks are consistent with the approved grading plan for the development and amendments as approved by the City Engineer and that all required property monuments are in place.

**Section 26.** Section 11-16-9 of the City Code is hereby amended to read as follows:

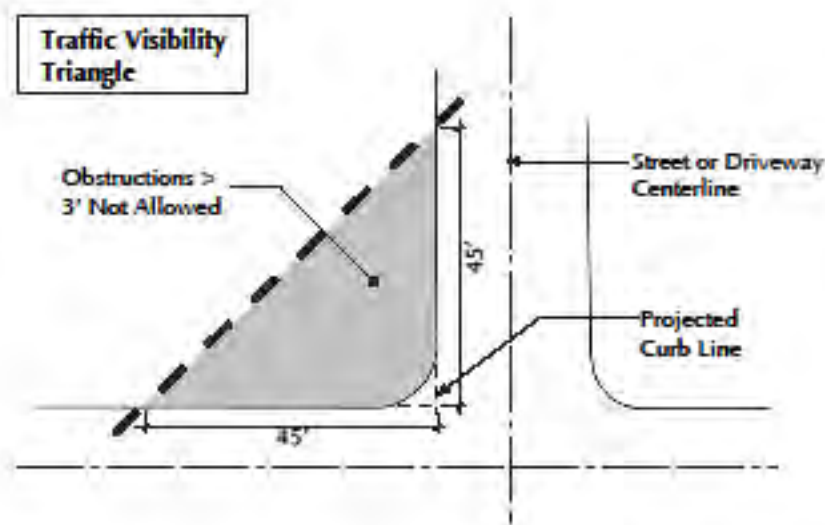
11-16-9: CRYSTAL LAKE WATERSHED DRAINAGE AREA:

Properties within subwatersheds CL-7, CL-9, CL-10, and CL-11, as identified in the water resources management plan, as may be amended, shall be limited to seventy percent (70%) impervious surface coverage.

**Section 27.** Section 11-16-15 of the City Code is hereby amended to read as follows:

11-16-15: TRAFFIC SIGHT VISIBILITY TRIANGLE:

- A. Except as may be approved by the zoning administrator, and except for a governmental agency for the purpose of screening, no wall, fence, structure, tree, shrub, vegetation or other obstruction shall be placed on or extend into a yard or right of way area so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any street or driveway.
- B. Visibility from any street or driveway shall be unobstructed above a height of three feet (3'), measured from where both street or driveway centerlines intersect within the triangle described as beginning at the intersection of the projected curb line (or edge of shoulders for rural sections) of two (2) intersecting streets or drives, thence forty five feet (45') along one curb line, thence diagonally to a point forty five feet (45') from the point of beginning along the other curb line.



- C.
1. Trees, plantings or landscape arrangements within the area described by this section that will not create a total obstruction higher than three feet (3') shall be allowed.
  2. Properties within the C-CBD District shall be exempt from the provisions of Section 11-16-15.B of this Title.

**Section 28.** Section 11-16-17 (exterior lighting) of the City Code is hereby amended to read as follows:

11-16-17: EXTERIOR LIGHTING: Exterior use of lighting systems shall conform to the following provisions to reduce light pollution:

A. Intensity.

1. The cumulative light cast by all lights on the property shall not exceed one hundred fifteen (115) foot-candles at ground level measured at any point on the property.
2. No light source or combination thereof which casts light on a public street shall exceed one (1) foot-candle meter reading as measured at the right-of-way or property line.

B. Commercial, Industrial and Institutional Uses. Any lighting used to illuminate an off-street parking area, structure, or area shall be arranged so as to deflect light away from any adjoining property or from any public right-of-way in accordance with the following provisions:

1. Shielding:
  - a. The light fixture shall contain a cutoff which directs the light at an angle of ninety (90) degrees or less.
  - b. For light fixtures located within thirty (30) feet of residential zoned property, additional shielding shall be required on the property line side of the fixture below the 90 degree cutoff to direct light away from the residential property.
  - c. Lighting of entire facades of a building shall only utilize illuminating devices mounted on top and facing downward onto the structure.
  - d. The following shall be exempt from the shielding requirements established by Section 11-16-17.B.1.a to c of this Title.

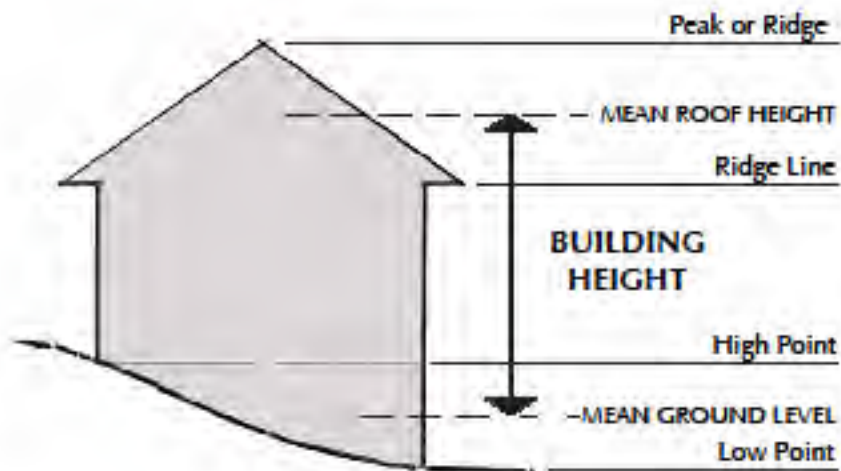
- (1) Internally illuminated signs and signs with electronic displays as may be allowed by Chapter 23 of this Title.
  - (2) Light fixtures used to illuminate outdoor recreation areas subject to approval of an interim use permit.
2. Search Lights. The use of search lights, with incandescent lights only, shall require an administrative permit and shall be limited to not more than two (2) events per calendar year. During any one event, the use of search lights shall be limited to five (5) days consecutively and shall only be used during business hours.
- C. Height.
  1. The maximum height above the ground grade permitted for poles, fixtures, and light sources mounted on a pole shall be thirty five (35) feet.
  2. A light source mounted on a building shall not exceed the height of the building.
- D. Location. Except for building mounted fixtures within the C-CBD District, all outdoor light sources shall be setback a minimum of ten (10) feet from a public right-of-way and five (5) feet from an interior side or rear lot line.
- E. Glare. Direct or reflected glare from high temperature processes such as combustion or welding shall not be visible from any adjoining property.
- F. Exceptions. The provisions of this section shall not apply to the following:
  1. Temporary outdoor lighting used during customary holiday seasons or civic celebrations.
  2. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings, structures, facilities or public right-of-way.
  3. Emergency lighting by police, fire, and rescue authorities.

4. Illumination of United States, Minnesota or other flags with non-commercial speech.
  5. Public parks, trails and recreational facilities, City of Lakeville, ISD 192, ISD 194 and ISD 196 only.
- G. Prohibitions. The following outdoor lights are prohibited:
1. Laser, strobe or flashing lights.
  2. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way, unless part of a permanent fixture.

**Section 29.** Section 11-17-7 of the City Code is hereby amended to read as follows:

**11-17-7: BUILDING HEIGHT:**

- A. Building height shall be defined for the purposes of this title as a distance measured from the mean ground level to the mean height of the roof as follows:



- B. The specific regulation of building height within the various zoning districts shall be as set forth in those sections of this title.



- C. No excluded roof equipment or structural element extending beyond the limited height of a building may occupy more than twenty five percent (25%) of the area of such roof nor exceed ten feet (10') unless otherwise noted.
- D. The building height limits established herein for districts shall not apply to the following:
  - 1. Belfries.
  - 2. Church spires.
  - 3. Cupolas and domes which do not contain usable space.
  - 4. Flagpoles.
  - 5. Parapet walls extending not more than three feet (3') above the limiting height of the building.
  - 6. Poles, towers and other structures for essential services.
  - 7. Necessary mechanical and electrical appurtenances, including but not limited to chimneys or flues, cooling towers or elevator penthouses.
  - 8. Agricultural buildings on farm properties.
  - 9. Wind energy conversion system towers as regulated by chapter 29 of this title.
  - 10. Antenna support structures as regulated by chapter 30 of this title.
- E. Building heights in excess of the standards established within the individual zoning districts or this section may be allowed through a conditional use permit provided that:
  - 1. The site is capable of accommodating the increased intensity of use.
  - 2. The increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
  - 3. Public utilities and services are adequate.
  - 4. For each additional story over three (3) stories or for each additional ten feet (10') above thirty

five feet (35'), front and side yard setback requirements shall be increased by five feet (5).

5. The increased height is not in conflict with airport zoning regulations as provided in chapter 36 of this title.
6. The performance standards and criteria of chapter 4 of this title are considered and satisfied.

**Section 30.** Section 11-17-9 of the City Code is hereby amended to read as follows:

11-17-9: **BUILDING TYPE AND CONSTRUCTION:** Buildings in all zoning districts shall maintain a high standard for exterior architecture to ensure a high quality of development and land use compatibility that contribute positively to community image in regard to material quality, visual aesthetics, permanence and stability and to prevent use of materials that are unsightly, deteriorate rapidly, contribute to depreciation of area property values, or cause urban blight.

A. General Provisions:

1. General Design Concept. Building and/or project designs shall utilize materials, colors, or details to meet the intent of these architectural standards.
2. Design Elements. Projects may be required to utilize building ornamentation features, including but not limited to: columns, arches, parapets, cornices, friezes, canopies, moldings, dentils, corbels, quoins, rustication, vaults, domes, and cupolas.
3. Corporate identity. The intent and purpose of these architectural standards supersede corporate identity designs; when a corporate identity design does not meet the intent and purpose of the architectural standards, the corporate identity design shall be limited to the area immediately adjacent to the main entry but shall otherwise be consistent with the intent of this Section.

4. Area Plans. Projects in special areas of the city shall comply with the standards adopted by the city council. The special areas, as defined by the comprehensive plan or specialized studies, are:
  - a. Central business district: "Historical Fairfield District Of Downtown Lakeville Design Guidelines".
  - b. Community corridors and gateways: "Corridor and Gateway Design Study".
  - c. Downtown Development Guide.
- B. Exterior Building Finishes. For the purpose of this subsection, materials shall be divided into Grade A, Grade B, Grade C, Grade D and Grade E categories as follows:
  1. Grade A:
    - a. Brick.
    - b. Natural or artificial stone.
    - c. Glass.
    - d. Copper panels.
  2. Grade B:
    - a. Integral color specialty concrete block such as textured, burnished block or rock faced block.
    - b. Integral color architecturally precast concrete panels having an exposed aggregate, light sandblast, acid etch, form liner, tooled, natural stone veneer, brick face and/or cast stone type finish.
    - c. Masonry stucco.
    - d. Ceramic.
  3. Grade C:
    - a. Exterior insulation and finish system (EIFS).

- b. Opaque panels.
  - c. Ornamental metal.
  - d. Fiber-cement exterior siding.
4. Grade D:
- a. Integral color smooth as cast concrete block.
  - b. Integral color smooth scored concrete block.
  - c. Integral color smooth as cast concrete panels.
  - d. Integral color architecturally precast concrete panels having a smooth as cast finish.
  - e. Glass block.
  - f. Wood provided that the surfaces are finished for exterior use or the wood is of proven durability for exterior use, such as cedar, redwood or cypress.
5. Grade E:
- a. Steel, aluminum.
6. Grade F.
- a. Vinyl.
7. Steel Or Aluminum Buildings: Except in association with farms as defined by this title, no galvanized or unfinished steel or unfinished aluminum buildings (walls or roofs), except those specifically intended to have a corrosive designed finish such as COR-TEN steel shall be permitted in any zoning district.
8. Integral Color: For the purpose of this section, exterior finish materials requiring integral color shall not include natural gray.
9. Foundations: Building foundations not exceeding one foot (1') and other such portions of a building's façade below the elevation of the first

floor need not comply with the requirements for the primary facade treatment or materials.

10. Garage doors, window trim, flashing accent items and the like, shall not constitute required materials that make up the exterior finish of a building for the purposes of this section.

C. Residential Uses:

1. The primary exterior building finish for residential uses shall consist of Grade A, B, C, D, E and/or F materials.
2. Required use of exterior building materials for buildings within the RST-2, RM-1, RH-1 and RH-2 Districts shall be as set forth by the respective zoning districts.

D. Commercial, Office and Institutional Uses: The exterior of commercial, office and institutional shall include a variation in building materials and forms to be distributed throughout the façade and coordinated into the design of the structure to create an architecturally balanced appearance and shall comply with the following requirements:

1. The exterior building finish shall use at least three (3) Grade A materials.
2. The exterior building finish shall be composed of at least sixty five (65) percent Grade A materials; not more than 35 percent Grade B or Grade C material and not more than ten percent Grade D materials.
3. All sides of the principal and accessory structures are to have essentially the same or coordinated harmonious exterior finish treatment.

E. Industrial Uses:

1. The primary exterior building finish for buildings within industrial districts shall consist of Grade A, B, C, D and/or E materials.
2. Steel or aluminum curtain wall panels (non-structural, nonload bearing) shall be allowed within industrial districts provided that:
  - a. The panels are factory fabricated and finished with a durable nonfade surface and

their fasteners are of a corrosion resistant design.

- b. The building shall be required to be faced with Grade A, B, C or D material on wall surfaces abutting public rights of way, a nonindustrial zoning district, an adjacent industrial building with brick, wood, stone or decorative concrete wall surfaces, residential uses, or public areas. The required wall surface treatment may allow a maximum of fifty percent (50%) of the metal or fiberglass wall to remain exposed if it is coordinated into the architectural design and is similar to the building frontage.

F. Other Requirements:

- 1. Buildings may be constructed primarily of one specific Grade A material provided the design is obviously superior to the general intent of this Title, provides variation in detailing, footprint of the structure or deviations in long wall sections to provide visual interest.
- 2. Minor blended color variations shall not be considered as a separate material, except that a distinctively different color of brick may be considered as a second Grade A material.
- 3. To be counted as a primary material, the product shall comprise at least five (5) percent of the exterior wall.
- 4. The back of parapets that are visible shall be finished with materials and colors compatible with the front of the parapet.
- 5. Exposed roof materials shall be similar to, or an architectural equivalent of a three hundred (300) pound or better asphalt or fiberglass shingle, wooden shingle, standing seam metal roof or better.
- 6. Use of contrasting colors for building elements such as cloth or metal awnings, trim, banding, walls, entries or any portion of the overall building shall be minimized, but in no case shall such coloring exceed ten (10) percent of each wall area.

7. For the purposes of this Section, the allowed building materials or finishes shall be defined as:
- a. Acid etch shall mean a finish achieved by casting concrete against a smooth, hard surface. After removal from the form the element is allowed to harden to a uniform hardness. The element is then washed with an acid solution and scrubbed to remove the cement surface to a sand level resulting in a smooth, sand textured surface.
  - b. Brick shall mean the conventional molded rectangular block of baked clay, nominal four-inch width. Thin brick veneer, faux brick, or decorative brick shall not be permitted as a building material for nonresidential structures.
  - c. Brick face shall mean a precast panel with a cavity cast in, or a plate cast in if the brick runs to the bottom of the edge so that the brick can be set in the panel after its removal from the form.
  - d. Cast stone shall mean a finish achieved by ramming moist zero slump concrete against smooth rigid formwork until the product is densely compacted and ready for removal from the form. After curing, the panel may be hand rubbed or acid etched.
  - e. Exposed aggregate shall mean a finish achieved by:
    - (1) Casting against a form surface that has been painted with retarder that retards the set of the concrete at its surface.
    - (2) Application of a chemical retarder to the surface of the form. The retarder prevents the matrix from hardening at the surface of the panel to a specific depth, controlled by the strength of the retarder. After curing, the unhardened layer of matrix at the

surface of the panel is removed by a high pressure water washing, thus, exposing the aggregate used in the concrete.

- (3) Casting concrete against a smooth hard surface. After removal from the form, the finished surface is sandblasted to remove the matrix and expose, as well as etch, the coarse aggregate.
- f. Form liners shall mean a finish achieved by the use of plaster, rubber, grained wood, rope or other material as a liner in the casting form to impart a particular finish to the face of the panel.
- g. Light sandblast shall mean a finish achieved by casting concrete against a smooth, hard surface. After removal from the form, the element is given a light sandblasting removing the cement skin from the surface resulting in a smooth, sand textured surface.
- h. Natural stone veneer shall mean a finish achieved by placing natural stone pieces into a form and casting concrete behind it resulting in a precast panel having a natural stone face.
- i. Smooth as cast shall mean concrete placed against a hard, smooth form work to achieve a smooth "as cast" finish on the precast element.
- j. Tooled shall mean a finish achieved by casting concrete against a smooth or specifically textured or patterned form work. After removal from the form, the hardened surface is treated mechanically to create the desired effect such as "Fractured Fin" or Bush Hammered".
- 8. Brick or stone exteriors shall not be painted during the life of the exterior materials.
- 9. Accessory Structures:



- a. Except in the A-P and RA zoning districts, all accessory buildings in excess of one hundred twenty (120) square feet that are accessory to residential dwelling units shall be constructed with a design and exterior building materials consistent with the general character of the principal structure on the lot.
- b. Accessory buildings for nonresidential uses, including those allowed in the residential districts, shall be of a similar character, design, and facade as the principal structure.

10. Expansions:

- 1. Remodeling or maintenance of existing buildings that do not increase the floor area of the existing structure shall be regulated by Chapter 15 of this Title.
- 2. Additions of less than fifty (50) percent of the floor area of the existing building may use the same or higher grade materials as the existing structure.
- 3. Not more than one (1) exterior wall designed for removal to allow future building expansion may be allowed to use Grade D materials notwithstanding other applicable provisions of this section provided that the wall does not face a public street.

G. Exceptions: Exceptions to the provisions of this section may be granted as a conditional use subject to the following criteria:

- 1. The use is an essential service as defined by this title; or,
- 2. The applicant shall have the burden of demonstrating that:
  - a. The proposed building maintains the quality in design and materials intended by this Title.
  - b. The proposed building design and materials are compatible and in harmony with other structures within the district.

- c. The justification for deviation from the requirements of this section shall not be based on economic considerations.

**Section 31.** Section 11-17-11.A.1 of the City Code is hereby amended to read as follows:

- 1. Cantilever building sections without a foundation and supported only by one wall of the structure, building elements supported by a foundation including chimneys, flues, leaders, sills, pilasters, lintels and other ornamental features up to ten feet (10') in width, and cornices, eaves, gutters, and the like may project not more than two feet (2') into a yard.

**Section 32.** Section 11-17-11.A.4 of the City Code is hereby amended to read as follows:

- 4. For detached single-family or two-family dwellings in the agricultural/rural and residential districts, a one story enclosed entrance not exceeding ten (10) feet in width may extend into the front yard setback not more than five feet (5'), subject to the approval of an administrative permit and a building permit.

**Section 33.** Section 11-17-17 of the City Code is hereby amended to read as follows:

11-17-17: MINIMUM FLOOR AREA, COMMERCIAL AND INDUSTRIAL STRUCTURES:

Principal buildings for commercial and industrial uses having less than two thousand (2,000) square feet of floor area may only be allowed upon approval of a conditional use permit as provided for in chapter 4 of this title.

**Section 34.** Section 11-17-19.B of the City Code is hereby amended to read as follows:

B. Prohibited Structures:

- 1. Dwelling unit structures other than single-family detached units are prohibited.

2. Religious facilities, schools and other non-government institutional uses.

**Section 35.** Section 11-17-19.C of the City Code is hereby amended to read as follows:

- C. Commercial and Industrial Buildings And Uses: Subject to the other provisions of this title, commercial and industrial uses, as allowed within the respective zoning districts, may be allowed on unsewered lots by conditional use permit, provided that:
  1. Except as herein provided, the minimum lot size for each principal use is ten (10) acres. The minimum lot size shall not apply to smaller separate parcels of record in separate ownership lawfully existing prior to November 7, 1977, provided the conditions of the conditional use permit are met.
  2. A conditional use permit shall not be granted unless it can be demonstrated by means satisfactory to the city that the use:
    - a. Will not result in ground water, soil or other contamination which may endanger the public health.
    - b. Will not increase future city utility service demands and expense.
    - c. Will not jeopardize public safety and general welfare.

**Section 36.** Section 11-17-21 of the City Code is hereby amended to read as follows:

11-17-21: MINIMUM LOT AREA:

- A. Lots Of Record And Preliminary Platted Lots Having Legal Standing On January 1, 1994: Except as may be otherwise required by this Title, the area of a horizontal plane within the lot lines.
- B. Lots Of Record Established After January 1, 1994: Except as may be otherwise allowed by this title, the area of a horizontal plane within the lot lines excluding "major drainageways", as defined by the Water Resources Management Plan, wetlands, water bodies, road rights of way, required buffer strips, regional

utility/pipeline easements, and slopes steeper than three to one (3:1).

C. Exceptions.

1. Exceptions to the "lot area" definition provided for by this section for lots of record created after January 1, 1994 but not including preliminary platted lots having legal standing on January 1, 1994 may be allowed as follows:
  - a. Steep Slopes: Subject to the approval of an Administrative Permit, lots containing slopes steeper than three to one (3:1) may be included in the lot area minimum provided that:
    1. If applicable, flood control measures are implemented.
    2. The construction will not adversely affect area storm water drainage.
    3. Natural vegetation is protected and preserved pursuant to applicable tree preservation policies and regulations and shoreland district standards.
    4. The structure conforms to the natural limitations presented by topography and soil so as to create the least potential of soil erosion.
    5. Appropriate measures are utilized to control erosion subject to the approval of the city engineer.
  - b. Lot Area Expansion: The minimum gross lot area shall not be required to be expanded by more than one hundred percent (100%) as a result of excluding watercourses as defined by the Water Resources Management Plan, wetlands, wetland buffers, water bodies, public rights of way, regional utility/pipeline easements, and slopes steeper than three to one (3:1).
2. Unsewered Single-Family Lots Created After August 4, 2008: Watercourses as defined by the Water Resources Management Plan, wetlands, wetland buffers, water bodies, public rights of way, regional utility/pipeline easements, and slopes steeper than three to one (3:1) may be included

in the minimum lot area for unsewered lots provided that:

- a. The requirements of subsection 11-17-19.A of this chapter shall be met.
- b. The lot shall have a minimum gross area of ten (10) acres with a contiguous buildable area of at least two and one-half net (2.5) acres. For the purpose of this section, the net contiguous buildable area shall mean:
  1. The area within the lot watercourses as defined by the Comprehensive Water Resources Management Plan, wetlands, wetland buffers, water bodies, public rights of way, regional utility/pipeline easements, and slopes steeper than three to one (3:1).
  2. An area within the lot for the location of principal and accessory structures and individual sewage treatment system meeting required setbacks and having a minimum width of two hundred (200) feet in any dimension uninterrupted by those areas excluded by Section 11-17-21.C.2.b.1 of this Section.
- 3c. A sketch plan shall be submitted by the property owner taking into consideration the future watercourses as defined by the Water Resources Management Plan, wetlands, wetland buffers, water bodies, public rights of way, regional utility/pipeline easements, and slopes steeper than three to one (3:1) that would be excluded from the minimum lot area definition at such time that the lot is served with city sanitary sewer.

**Section 37.** Section 11-17-23 of the City Code is hereby amended to add the following provision:

F. Site Plan:

1. For lots of record and preliminary platted lots having legal standing established on January 1, 1994, all site plans for single-family homes shall

provide for the location of a two (2) stall garage, whether or not construction is intended.

2. For lots of record established after January 1, 1994, all site plans for single-family homes must provide for the location of a three (3) stall attached garage, whether or not construction is intended.

**Section 38.** Section 11-18-7.D of the City Code is hereby amended to read as follows:

D. Attached Garages:

1. The area of an attached garage shall be measured by interior dimensions.
2. Attached garages shall comply with the following minimum dimension standards:
  - a. The minimum floor area of an attached garage shall be four hundred eighty (480) square feet.
  - b. Attached garages shall be a minimum of twenty two twenty feet (22') in width.
3. The maximum floor area of an attached garage shall be one thousand (1,000) square feet.
4. An attached garage shall comply with all building and setback requirements applicable to the principal building.

**Section 39.** Section 11-18-7.F of the City Code is hereby amended to read as follows:

F. Ice Fishing Houses:

1. Ice fishing houses or other such structures not equipped with wheels or mounted on a trailer shall be considered accessory buildings and shall be subject to the setback, square footage and other regulations of this section.
2. Ice fishing houses or other such structures that are equipped with wheels or mounted on a trailer shall be regulated as recreational vehicles in

accordance with Section 11-22-5.A.2 of this Title.

**Section 40.** Section 11-18-7.G of the City Code is hereby amended to read as follows:

- G. Compost Structures And Firewood Piles: Compost structures and firewood piles shall be considered accessory uses, shall be limited to rear yards and shall be setback ten (10) feet from all property lines, but shall not be subject to limitations applicable to the number of allowed accessory structures or individual area and total area allowed for accessory structures by this Section.

**Section 41.** Section 11-18-7 of the City Code is hereby amended to add the following provision:

- H. Sport Courts: Accessory outdoor recreation surface areas with permanent fixtures that are enclosed by fence or that include exterior lighting shall be subject to the following provisions:
  - 1. The sport court shall be allowed only within the rear yard, shall not encroach within any drainage or utility easement, and shall comply with the following setbacks:
    - a. Side lot line abutting a public right-of-way: 30 feet
    - b. Interior side lot line: 10 feet
    - c. Rear lot line: 10 feet.
  - 2. Fencing:
    - a. Fencing enclosing the sport court shall be integral green, brown or black color mesh fabric or similar material or vinyl coated chain link with a minimum opacity of seventy five (75) percent.
    - b. The maximum height of the fence shall be six feet (6') unless located within the buildable area of the lot or at least 10

feet from the rear lot line where a maximum height of eight feet (8') shall be allowed.

- c. The fence shall be located within five feet (5') of the sport court surface.

3. Exterior Lighting:

- a. Illumination of the sport court shall comply with the provisions of Section 11-16-10 of this Title.
- b. The sport court shall not be illuminated between the hours of 10:00 PM and 7:00 AM or at other times when not in use.
- c. Light fixtures illuminating the sport court shall be within five feet (5') of the surface.
- d. Light fixtures shall not be mounted to a height greater than fifteen feet (15') and shall be downcasts with a 90 degree horizontal cut-off.
- e. All electrical wiring shall be located underground.

**Section 42.** Section 11-18-9.C of the City Code is hereby amended to read as follows:

- C. Height: Accessory buildings shall comply with the following height limitations, except as allowed by conditional use permit:

1. Detached Single-Family Dwellings:

Zoning District	Maximum Height	Zoning District	Maximum Height
A-P	20 feet	RST-1	15 feet
RA	20 feet	RST-2	15 feet
RS-1	20 feet	RM-1	15 feet
RS-2	15 feet	RM-2	15 feet
RS-3	15 feet	RH-1	15 feet
RS-4	15 feet	RH-2	15 feet
RS-CBD	15 feet		



2. Detached Accessory Buildings Other Than Garages: Detached accessory buildings other than garages shall be limited to fifteen feet (15') in height on all two-family or townhouse unit lots.
3. Multiple-Family And Nonresidential Uses: Detached accessory buildings and structures shall be limited to twenty feet (20') in height for all multiple-family and nonresidential uses.
4. Application for a conditional use permit under this section may be granted provided that:
  - a. There is a functional need for the additional height while maintaining that the structure is accessory to the principal use consistent with the intent of this title.
  - b. The additional height is necessary to maintain an evident architectural character compatible to the principal building.
  - c. In no case shall the height of an accessory building exceed that of the principal building on the lot on which it is located within the RS-3, RS-4, RST-1, RST-2, RM-1, RM-2, RH-1, RH-2 districts.

**Section 43.** Section 11-18-9.D.1 of the City Code is hereby amended to read as follows:

1. Except for agricultural buildings on farms, as provided for by subsection D2 of this section, or as expressly permitted by conditional use permit, the combination of accessory buildings and garages shall not exceed either of the following area limitations per unit or the total gross floor area of the principal structure, whichever is least:

Zoning District	Use	Percentage Of Minimum Lot Area That May Be Occupied By The Accessory Building	Maximum Allowable Floor Area Per Unit (Square Feet)
A-P	All uses	Not applicable	Not applicable
RA	Single-family	2 percent	8,712

Zoning District	Use	Percentage Of Minimum Lot Area That May Be Occupied By The Accessory Building	Maximum Allowable Floor Area Per Unit (Square Feet)
RS-1	Single-family	10 percent	2,000
RS-2	Single-family	10 percent	1,500
RS-3	Single-family	10 percent	1,100 (interior lot) 1,250 (corner lot)
RS-4	Single-family	10 percent	938 (interior lot) 1,125 (corner lot)
RS-CBD	Single-family	10 percent	840 (interior lot) 1,008 (corner lot)
RST-1	Single-family	10 percent	1,500
	Two-family	10 percent	750
RST-2	Single-family	10 percent	1,100 (interior lot) 1,250 (corner lot)
	Detached townhomes	10 percent	750
	Two-family	10 percent	750
RM-1 & RM-2	Single-family	10 percent	1,100 (interior lot) 1,250 (corner lot)
	Two-family	10 percent	750
	Townhouse	10 percent	750
RH-1 & RH-2	Single-family	10 percent	1,100 (interior lot) 1,250 (corner lot)
	Two-family	10 percent	750
	Townhouse	10 percent	750

**Section 44.** Section 11-18-9.D.2 of the City Code is hereby amended to read as follows:

2. For lots in the RA district and for lots of record in the RS-1, RS-2, and RS-3 districts created after January 1, 1994, and lots of record existing before January 1, 1994 in the RS-1, RS-2 and RS-3 districts one acre or larger, a garage attached to the principal building shall not exceed the following:
  - a. Single-family homes with an above grade finished floor area of more than two thousand (2,000) square feet are permitted the following:
    - (1) A maximum attached garage area of one thousand two hundred fifty (1,250) square feet.
    - (2) A detached accessory building area of not more than one hundred twenty (120) square feet is permitted in addition to the attached garage area provided for by subsection D2a(1) of this section.
    - (3) Attached garages on lots of record created after January 1, 1994 and pre-1994 lots

greater than one acre may exceed one thousand two hundred fifty (1,250) square feet by conditional use permit subject to the provisions listed in section 11-18-5 of this chapter.

**Section 45.** Section 11-18-11 of the City Code is hereby amended to read as follows:

11-18-11: WASTE AND RECYCLING RECEPTACLES AND ENCLOSURES:

- A. Except as provided for by this Section, all waste and recycling receptacles shall be stored within the principal structure or within an accessory enclosure.
- B. All waste and recycling receptacles not contained within principal structures shall be enclosed in conformance with the following:
  - 1. Exterior Walls: Exterior wall treatment shall be of similar color and materials. Exterior walls shall be minimum of six feet (6') in height or one foot taller than the dumpster being enclosed and include a maintenance free front gate for access.
  - 2. Location: The enclosure shall be located in the side or rear yard and be setback a minimum of ten (10) feet from the property line and shall not be located within any drainage and utility easement or required buffer yard.
  - 3. Accessibility: The enclosure must be accessible to waste and recycling collection vehicles.
  - 4. Screening: The trash/recycling receptacles shall be fully screened from view of adjacent properties and the public right of way.
  - 5. Approval: The design and construction of the trash enclosure shall be subject to the approval of the Zoning Administrator.
  - 6. Landscaping: Landscaping shall be provided surrounding trash enclosures to screen the structure from view of the public right of way and residential properties in section 21 of this title for detailed requirements.
- C. Recycling Space: Recycling space shall be provided as required by the Minnesota state building code.
- D. All enclosures and receptacles shall be kept in a good state of repair and waste receptacles shall include

secure lids or covers to properly contain the waste and all gates and doorways into the enclosure shall be kept closed between garbage pickups.

E. Exceptions:

1. For detached single family dwellings, waste and recycling receptacles not contained within principal structures shall be exempt from conformance with section 11-18-11.B of this title, but shall comply with the following:
  - a. Receptacles shall be located in side or rear yards, but not the side of a corner lot or rear yard of a double frontage lot abutting a public right-of-way.
  - b. Receptacles shall be setback a minimum of ten (10) feet from all property lines.
2. Publicly accessible individual receptacles not larger than 60 gallons located on commercial, industrial, institutional or public properties for convenient disposal of trash items shall be exempt from the enclosure requirements of Section 11-18-11.B of this title.
3. In the I-CBD, I-1, and I-2 districts, recycling receptacles do not have to be enclosed in accordance with Section 11-18-11.B of this Title, but shall be located in the side yard, except in the case of a corner lot, or rear yard, fully screened from view, shall comply with accessory building setback requirements and shall not contain any putrescible material.

**Section 46.** Section 11-19-5 of the City Code is hereby amended to read as follows:

11-19-5: SITE PLAN DRAWING NECESSARY:

All applications for a building permit or a certificate of occupancy in all zoning districts shall be accompanied by a site plan, as specified in chapter 9 of this title, indicating the location of off street parking and loading spaces in compliance with the requirements set forth in this chapter.

**Section 47.** Section 11-19-7.F.2 of the City Code is hereby amended to read as follows:

2. On and off street parking facilities accessory to a residential use shall be utilized solely for the parking of licensed and operable vehicles not to exceed twenty two feet (22') in length and eight feet (8') in height, except as may be otherwise allowed by this Title or the following provisions:
- a. Parking and/or storage of recreational vehicles and equipment shall be in accordance with Section 11-22-5 of this title.

**Section 48.** Section 11-19-7.1.1 of the City Code is hereby amended to read as follows:

PARKING LOT DIMENSIONS TABLE									
Angle Of Parking	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width	Angle Of Parking	Stall Width	Curb Length Per Car	Stall Depth	Aisle Width
0°	9'0"	23'0"	9'0"	12'0"	50°	9'0"	11'9"	20'5"	12'0"
	9'6"	23'0"	9'6"	12'0"		9'6"	12'5"	20'9"	12'0"
	10'0"	23'0"	10'0"	12'0"		10'0"	13'2"	21'0"	12'0"
20°	9'0"	26'4"	15'0"	11'0"	60°	9'0"	10'5"	21'0"	18'0"
	9'6"	27'10"	15'6"	11'0"		9'6"	11'0"	21'3"	18'0"
	10'0"	29'3"	15'11"	11'0"		10'0"	11'6"	21'6"	18'0"
30°	9'0"	18'0"	17'4"	11'0"	70°	9'0"	9'8"	21'0"	19'0"
	9'6"	19'0"	17'10"	11'0"		9'6"	10'2"	21'3"	18'6"
	10'0"	20'0"	18'3"	11'0"		10'0"	10'8"	21'3"	18'0"
40E	9'0"	14'0"	19'2"	12'0"	80°	9'0"	9'2"	20'4"	24'0"
	9'6"	14'10"	19'6"	12'0"		9'6"	9'8"	20'5"	24'0"
	10'0"	15'8"	19'11"	12'0"		10'0"	10'3"	20'6"	24'0"
45°	9'0"	12'9"	19'10"	13'0"	90°	9'0"	9'0"	20'0"	24'0"
	9'6"	13'5"	20'2"	13'0"		9'6"	9'6"	20'0"	24'0"
	10'0"	14'2"	20'6"	13'0"		10'0"	10'0"	20'0"	24'0"
NOTE: This table pertains to a wall to wall situation. In calculating dimensions, 2 feet may be subtracted from each stall depth for each overhang and overlap provided that a minimum sidewalk width of three (3) feet is maintained. No subtraction for overlap is allowed for angles other than 90 degrees.									

PARKING AREA AND DRIVE SETBACKS		
Dimension	Land Use	Setback
Front yard and side yard abutting a street setback of parking and drive to lot line**	RS and RST districts	15.0 feet
	RM districts - guest parking for townhouse uses	15.0 feet

	RM districts - all other required parking	15.0 feet
	RH districts - guest parking for townhouse uses	15.0 feet
	RH districts - all other required parking	15.0 feet
	C-CBD District	5.0 feet
	All other commercial districts	15.0 feet
	Industrial districts	15.0 feet
Interior side and rear yard setback of parking to lot line**	All residential districts	5.0 feet
	Commercial districts	5.0 feet
	Industrial districts	5.0 feet
From private drives	All districts	15.0 feet

**Section 49.** Section 11-19-7.1.6 of the City Code is hereby amended to read as follows:

MINIMUM DRIVEWAY DISTANCE FROM INTERSECTING STREET						
Street With Proposed Driveway	Nearest Intersecting Street					Minimum Spacing Between Adjacent Driveways
	Local Street	Minor Collector	Major Collector	"B" Minor Arterial	"A" Minor Arterial	
Local Street						
Residential	40 ft.	40 ft.	50 ft.	50 ft.	50 ft.	--
Indiv. Com./Indust./Instit./M.F.	50 ft.	50 ft.	90 ft.	90 ft.	90 ft.	50 ft.
Multiple Commercial	90 ft.	90 ft.	125 ft.	125 ft.	125 ft.	100 ft.
Minor Collector						
Residential	40 ft.	40 ft.	50 ft.	50 ft.	50 ft.	--
Indiv. Com./Indust./Instit./M.F.	50 ft.	50 ft.	90 ft.	90 ft.	90 ft.	50 ft.
Multiple Commercial	90 ft.	90 ft.	125 ft.	125 ft.	125 ft.	100 ft.
Major Collector						
Residential	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.
Indiv. Com./Indust./Instit./M.F.	90 ft.	90 ft.	220 ft.	220 ft.	220 ft.	200 ft.(A)
Multiple Commercial	125 ft.	125 ft.	220 ft.	220 ft.	220 ft.	200 ft.(A)
"B" Minor Arterial						
Residential (B)	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.
Indiv. Com./Indust./Instit./M.F.	N.P.	N.P.	N.P.	660 ft.	660 ft.	230 ft.(B)
Multiple Commercial	N.P.	N.P.	N.P.	660 ft.	660 ft.	230 ft.(B)
"A: Minor Arterial						
Private Residential	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.
Indiv. Com./Indust./Instit./M.F.	N.P.	N.P.	N.P.	N.P.	N.P.	230 ft.(B)
Multiple Commercial	N.P.	N.P.	N.P.	N.P.	660 ft.	230 ft.(B)
Parkway (C)						
Private Residential	N.P.	N.P.	N.P.	220 ft.(D)	220 ft.(D)	--
Indiv. Com./Indust./Instit./M.F.	N.P.	N.P.	N.P.	220 ft.(D)	220 ft.(D)	--
Multiple Commercial	N.P.	N.P.	N.P.	220 ft.(D)	220 ft.(D)	--
N.P. = Not permitted.						
(A) Assumes a speed of 40 mph.						

- |     |   |
|-----|---|
| (B) | Assumes a speed of 45 mph.  |
| (C) | Full median opening to be located at public streets, institutions and at minimum spacing of 600 feet. |
| (D) | Right in - right out.   |

**Section 50.** Section 11-19-7.I.7 of the City Code is hereby amended to read as follows:

7. Compliance: Except in the case of single-family and two-family dwellings, parking areas and their aisles shall be developed in compliance with the standards outlined in this chapter and the following provisions:
  - a. Except as may be required or exempted by the city engineer, drive aisles and parking stalls shall be constructed in accordance with the following minimum tonnage standards:
    1. One and one-half inch (1.5") wear course.
    2. Two inch (2") base course.
    3. Six inch (6") aggregate base (class 5).
    4. Subgrade subject to city engineer's approval.
  - b. A minimum one (1) lift of surface as required by this title shall be installed prior to issuance of a certificate of occupancy or temporary certificate of occupancy.

**Section 51.** Section 11-19-7.I.10.b(1) of the City Code is hereby amended to read as follows:

- (1) Ten percent (10%) for single-family, two-family, and townhouse dwellings and for all driveways accessing underground parking areas.

**Section 52.** Section 11-19-7.I.18 of the City Code is hereby amended to read as follows:

18. Parking Lot Landscaping. All exposed parking areas shall be landscaped on all sides in compliance with chapter 21 of this Title.

**Section 53.** Section 11-19-13 of the City Code is hereby amended to add the following provisions:

Airport Hanger:	1 stall / 1,000 square feet.
Catering Business /Commercial Kitchen:	One stall per two hundred (200) square feet or one stall for each employee on the maximum shift, whichever is greater; plus one stall for each business vehicle parked on site.
Senior Housing, Assisted Living and Memory Care Units:	Four (4) stalls per ten (10) dwelling units, plus stalls equal to the number of employees on a maximum shift.

**Section 54.** The following provisions of Section 11-19-13 of the City Code are hereby amended to read as follows:

Animal hospital/kennel:	One (1) space for each 200 square feet of floor area.
Funeral Home:	Twenty (20) spaces per chapel or viewing parlor, plus 1 space for each company vehicle maintained on site. Adequate stacking space shall also be provided for staging funeral processions.
Golf Course:	Four (4) stalls per hole plus fifty (50) percent of the parking stall requirement for any associated retail use; On-site restaurant and/or banquet facilities shall provide parking stalls for that use as required by this Section.
Medical office or	



clinics: One (1) space for each 200 square feet of floor area.

Office buildings and professional offices; banks, public administration (other than medical): One (1) space for each 200 square feet of floor area.

Senior Housing, Independent Living Units: One (1) stall per dwelling unit or one (1) stall per two (2) dwelling units when units are within a continuing care retirement community facility.

**Section 55.** Section 11-21-5.D of the City Code is hereby amended to read as follows:

- D. Solid Walls: Solid walls constructed of natural stone, brick or other masonry material up to eight feet (8') in height that are not part of buildings may be constructed only within commercial and industrial districts and the P-OS District by approval of a conditional use permit.

**Section 56.** Section 11-21-5.F.3 of the City Code is hereby amended to read as follows:

- 3. Height Within Buildable Area: Fences not to exceed eight feet (8') in height may be allowed within the buildable area of a rear yard provided that the fence is setback ten feet (10') from the rear lot line and five feet (5') from any side or unit lot line, except as otherwise allowed by this section.

**Section 57.** Section 11-21-5.F.4 of the City Code is hereby amended to read as follows:

- 4. Setbacks from Public Rights-of-Way:
  - a. Fences extending across front yards and side yards abutting a public right of way shall not exceed forty eight inches (48") in height and shall be at least seventy five percent (75%) open space for

the passage of air and light, and shall be setback a minimum of 10 feet from any lot line abutting a public right-of-way, except where additional setback is required by subsection 4.b or 4.c of this Section.

- b. A fence with a height greater than forty eight inches (48") or less than seventy five percent (75%) open space may be constructed within a required rear yard of a double frontage lot and a side yard of a corner lot abutting a major collector or arterial street provided that:
  - (1) The fence shall be set back fifteen feet (15') from the property line abutting a major collector or arterial street on lots of record and preliminary platted lots having legal standing established after January 1, 1994.
  - (2) The fence along a side lot line abutting a major collector or arterial street right of way shall not extend into a required front yard and be no closer to the front lot line than a point intersecting the front line of the principal building.
  - (3) A gate constructed of the same material as the fence shall be provided in the fence to allow for maintenance of the street side boulevard for interior lots.
- c. All fences located within any required yard abutting a public right of way shall maintain the traffic visibility requirements of section 11-16-15 of this title.

**Section 58.** Section 11-21-5.F.5 of the City Code is hereby repealed:

**Section 59.** Section 11-21-5.H of the City Code is hereby amended to read as follows:

H. Commercial, Institutional and Industrial Fencing:

- 1. Location:
  - a. Commercial Districts and Institutional Uses: Except in a required front yard, or rear or side yard abutting a public street, fences may be erected up to eight feet (8') in height. Fences in excess of eight feet (8'),

may be allowed by approval of a conditional use permit, but shall not be located within a required front yard.

b. Industrial Districts:

1. Fences may be erected up to a maximum of eight feet (8') in height, except as may be allowed by approval of a conditional use.
2. Fences extending across front yards and side yards abutting a public right-of-way shall be at least seventy five percent (75%) open space for the passage of air and light.
2. Except for fences accessory to essential services, chain link fences within commercial districts shall be coated with integral color vinyl and shall not include vinyl, plastic or metal slats within the fence.
3. Fences with barbed wire security arms shall be allowed only within the I-2 District as follows:
  - a. The fence, measured without the security arm, shall be erected to a minimum of six feet (6') in height.
  - b. The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public.
  - c. Such security arms shall be prohibited within a required front yard, or rear or side yard abutting a public street or when located along a property line abutting a residential use.

**Section 60.** Section 11-21-9 of the City Code is hereby amended to read as follows:

11-21-9: REQUIRED SCREENING AND LANDSCAPING:

- A. Screening: Where any commercial, industrial or institutional use, except those within the C-CBD or I-CBD districts, abuts a residential district, that use shall provide screening along the property line abutting any property in the residential district. Screening shall also be provided on the side of a

commercial, industrial or institutional use across the street from a residential district. All the screening specifically required by this title shall be subject to section 11-16-15 of this title related to traffic visibility and shall consist of a greenbelt strip as provided for below.

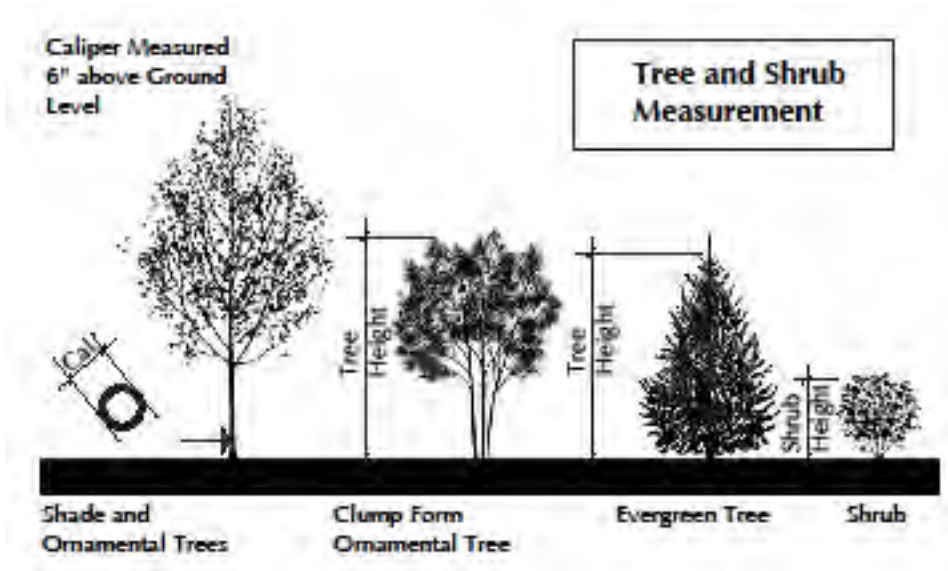
1. A greenbelt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be a minimum of twenty feet (20') in width and of a sufficient density to provide a substantially continuous visual screen at maturity of the installed plantings. This planting strip shall be designed to provide continuous visual screening to a minimum height of eight feet (8'). The grade for determining height shall be the grade elevation of the building, parking lot or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The planting plan and type of plantings shall require the approval of the Zoning Administrator.
  2. A fence may also be installed, but not in lieu of the greenbelt. The fence shall be constructed of masonry, brick, vinyl or maintenance free composite materials. Such fence shall provide a solid screening effect and shall be a minimum of six feet (6') in height but shall not exceed eight feet (8') in height. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The design and materials used in constructing a required screening fence shall be subject to the approval of the Zoning Administrator. Fences in excess of eight feet (8') in height shall require an administrative permit subject to the approval of the Zoning Administrator.
  3. Existing landscape material in good condition may be used to satisfy the requirements of this Section in whole or part when, in the opinion of the Zoning Administrator, such material meets the requirements and intent of this Chapter.
- B. Landscaping. Required landscaping for new residential subdivisions and commercial, industrial or institutional uses shall include plantings at the property perimeter, off-street parking perimeter landscaping and interior landscape plantings as well

as required residential buffer yard or transitional buffer zone plantings.

C. All landscaping required by this section shall conform to the following standards and criteria:

1. Minimum Size: All plants must at least equal the following minimum size in conformance with American Nursery Association standards:

	Balled and Burlapped /Container
Shade Trees	2-1/2 inch diameter
Ornamental Trees (Flowering Crabs, Hawthorn Serviceberry, etc.)	2 inch diameter 6-7 foot--clump form
Coniferous Evergreen Trees	8 feet
Tall Shrubs and Hedge Material (Evergreen or Deciduous)	3-4 feet
Low Shrubs--Deciduous	18-24 inch
Low Shrubs--Coniferous Evergreen	18-24 inch
Spreading Coniferous Evergreen	18-24 inch spread
Notes: If size requirements are met, bare root plant material may be substituted. Type and mode are dependent upon time of planting season, availability, and site conditions (soils, climate, ground water, manmade irrigation, grading, etc).	



## 2. Spacing:

- a. Plant material centers shall not be located closer than five feet (5') from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the zoning administrator.
- b. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the zoning administrator.
- c. Deciduous trees intended for screening shall be planted not more than forty feet (40') apart. Evergreen trees intended for screening shall be planted not more than fifteen feet (15') apart.
- d. Where massing of plants or screening is intended, large deciduous shrubs shall be planted four feet (4') on center or closer, and/or, evergreen shrubs shall be planted three feet (3') on center or closer.

3. **Types Of New Trees:** Trees suitable for complying with this Chapter shall be limited to those specified in appendix B of the Lakeville corridor and gateway design study, adopted on August 2, 1999, as recommended in the management plan for the south creek and tributary channel corridors, or as approved by the zoning administrator in accordance with established City policy.

4. Design (Except For Pond Slopes Which Shall Be Subject To The Review And Approval Of The City Engineer):
- a. The landscape plan must show some form of designed site amenities (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc.) which are largely intended for aesthetic purposes.
  - b. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage must be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the zoning administrator.
  - c. Turf slopes in excess of three to one (3:1) are prohibited.
  - d. All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting.
  - e. Properties developed after May 17, 2010 with detached townhouse, two family, townhouse or multiple family dwelling units within the RST-2, RM or RH District and all commercial, industrial or institutional uses shall provide an exterior in-ground irrigation system within the property where necessary to ensure that all turf grass, ground cover of cultivated vegetation, garden, hedges, trees and shrubbery maintenance can be accomplished.
  - f. Trees and shrubs shall not be planted in the right of way except for designated parkways and streets as determined by the city council.
  - g. All plants required as part of an approved landscaping plan shall be maintained and kept alive and in good condition. Dead plants or plants in poor health shall be replaced in accordance with the approved landscape plan.

5. Earth Berms. Earth berms shall be physical barriers that block or screen the view similar to a hedge, fence or wall:
  - a. The height of the required earth berm shall be measured from:
    - (1) Existing grade located next to but not on the earth berm when provided next to a common property line;
    - (2) The grade of the parking lot when used to screen off-street parking areas; and
    - (3) From the centerline of the street or center of the railroad tracks when used to screen property from adjacent rights-of-way.
  - b. Earth berms shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal, with a minimum two (2) foot wide crest on top of the berm or as required for residential buffer yards. Earth berms may undulate in height and from side-to-side, provided that the minimum opacity requirements are met.
  - c. Protection From Erosion. All earth berms shall be planted with sod, ground cover, or other suitable live plant material to protect the earth berm from erosion so that it retains its height and shape.
  - d. A difference in elevation between areas requiring screening does not constitute an existing earth berm and shall not be considered as fulfilling any screening requirement for the purposes of this section unless otherwise provided for.
  - e. The earth berm shall contain no less than six inches (6") of topsoil.
6. Landscape Guarantee: All new plants shall be guaranteed for twelve (12) months from the time planting has been completed. All plants shall be alive, in good health, of good quality, and disease free at the end of the warranty period or be replaced. Any replacements shall be warranted for twelve (12) months from the time of planting.



D. Off-Street Parking Areas:

1. Perimeter Requirements. All off-street parking areas with five (5) or more parking spaces or any parking area within twenty (20) feet of a residential zoning district shall be screened from view as follows:
  - a. Installation of shade, ornamental and/or evergreen trees in accordance with the spacing requirements of Section 11-21-9.A and B of this Title.
  - b. For all commercial and institutional uses, and for those industrial uses abutting a major collector or arterial street, a continuous opaque barrier with a maximum height of thirty-six (36) inches shall be provided along the perimeter abutting public rights-of-way and residentially zoned properties that consists of plantings, hedges, decorative or ornamental fences, walls or earth berms or any combination thereof.
2. Interior Requirements. Any open off-street parking area with twenty five (25) or more parking spaces within commercial zoning districts shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsula or island types.
  - a. Landscape Area. For each one hundred (100) square feet or fraction thereof of off-street parking area including maneuvering lanes, a minimum total of five (5) square feet of interior landscape area shall be provided.
  - b. Protection. All landscaped areas shall be elevated above the pavement and surrounded by concrete curb except where approved by the City Engineer for stormwater management purposes.

- c. Minimum Dimension. Landscape areas shall be no less than nine (9) feet in any single dimension, measured from back of curb to back of curb.
- d. Minimum Area. The minimum landscape area permitted shall be one hundred sixty (160) square feet.
- e. Vehicle Overhang. Landscaping shall be setback two (2) feet from parking stalls to allow parking of vehicles without extending over the landscaped area.

**Section 61.** Section 11-22-5.A.2.b of the City Code is hereby amended to read as follows:

- b. In the side yard only when abutting an attached or detached garage, provided that:
  - (1) The recreational vehicles and equipment are not closer than five feet (5') from the side lot line and not within a required buffer yard.
  - (2) The area on which the recreational vehicle and equipment are stored shall be surfaced with asphalt, concrete or paving brick.
  - (3) Parking or storage of recreational vehicles and equipment within the setback required from a public right-of-way for the side yard of a corner lot is prohibited.
- c. In the rear yard not closer than ten feet (10') from the rear lot line, five feet (5') from the side lot lines.
- d. On a corner lot not closer than twenty feet (20') from the property line abutting the side street.

**Section 62.** Section 11-22-5.B.3 of the City Code is hereby amended to read as follows:

- 3. The outdoor storage area is surfaced with asphalt, concrete or pavers with perimeter concrete curb, unless the City Engineer exempts all or portions of the curb for stormwater management purposes.

**Section 63.** Section 11-23-5 of the City Code is hereby amended to read as follows:

11-23-5: PERMIT REQUIRED: No sign shall be erected or existing sign structure expanded without first securing a permit from the city, except when changing only the face of the sign without altering the area, height or location of the sign:

- A. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.
- B. Application for a sign permit shall be filed by the property owner or designated agent with the zoning administrator on forms to be provided by the city.
- C. The zoning administrator shall process and review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes, ordinances, and applicable performance standards set forth in this title within sixty (60) days of submission of a complete application.

**Section 64.** Section 11-23-7.B of the City Code is hereby amended to read as follows:

- B. Not more than two (2) signs two (2) square feet or less in size.

**Section 65.** Section 11-23-7.D of the City Code is hereby amended to read as follows:

- D. All noncommercial signs of any size posted in any number from forty six (46) days before the state primary in a state general election year until ten (10) days following the general election, and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

**Section 66.** Section 11-23-15 of the City Code is hereby amended to read as follows:

11-23-15: GENERAL REGULATIONS:

- A. Accessory Structures: Except as provided for by subsections M and Y of this section, all signs must be accessory structures.
- B. Standards Adopted: The design and construction standards as set forth in chapter 4 of the 1997 edition of the uniform sign code as may be amended, are hereby adopted.
- C. Electrical Signs: The installation of electrical signs shall be subject to the state's electrical code. Electrical service to such signs shall be underground.
- D. Approval: No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the zoning administrator.
- E. Trees; Interference: No signs, guys, stays or attachments shall be erected, placed or maintained on trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
- F. Illuminated Signs: Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver and may not interfere with or obscure traffic signs or signals. Lighting may not illuminate any adjacent properties, buildings, or streets.
- G. Temporary Signs: The use of banners, pennants and similar devices for commercial, industrial and institutional uses shall be subject to the following provisions:
  - 1. Temporary signs shall require a permit valid for no more than forty two (42) days during any twelve (12) month period.
  - 2. The area of a temporary sign shall not exceed fifty (50) square feet per sign face.
  - 3. Not more than one (1) temporary sign shall be displayed upon a property at any one time.
- H. Placement: No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- I. Structure: A freestanding sign or sign structure constructed so that the faces are not back to back,

shall not have an angle separating the faces exceeding twenty degrees (20E) unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.

J. Address Sign: Except for farm buildings, at least one address sign identifying the correct property number as assigned by Dakota County shall be required on each principal building in all districts. The number shall be at least three inches (3") in height.

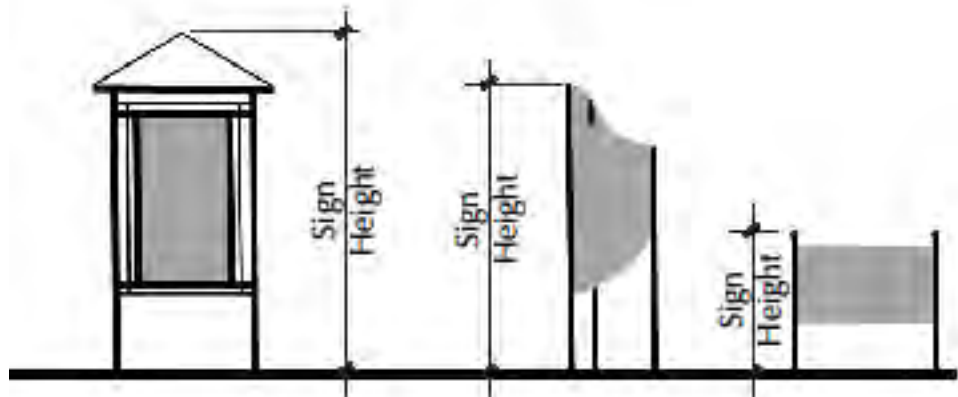
K. Off Premises Signs:

1. Off premise signs are a principal use of property. An annual license is required for all off premise signs. Off premise signs must be removed as a condition of construction of another principal use upon the property or platting or subdivision approval for the land on which it is located.

L. Square Footage Calculation: The area within the frame of a sign shall be used to calculate the square footage except that the width of a frame exceeding twelve inches (12") shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches (6") beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, freestanding structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

M. Height:

1. Freestanding Signs. The height of the sign shall be measured from the ground at the base to the highest most part of the structure.



2. Wall, Canopy or Marquee Signs. The top of a sign, including its structure, if any, shall be no higher than the roof of the building to which such sign may be attached.
- N. Landscaping: The area around freestanding signs shall be landscaped with plantings and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site.
- O. Motor Fuel Facilities: Signs for motor fuel facilities shall be regulated by the sign provisions for the zoning district in which the facility is located, except that:
1. The construction of any freestanding sign shall be as follows:
    - a. The sign shall be self-supported vertically by a solid base extending horizontally for a minimum of the entire width of the sign face. Total height of the monument sign including the base shall not exceed fifteen feet (15').
    - b. The sign base and supporting material shall be equal to at least forty percent (40%) of the total allowable sign square footage, and shall not be counted toward the sign area. The base shall be attached to the ground for its entire horizontal width of the sign. The base shall be stone, brick, or decorative masonry consistent with the exterior material of the principal building and shall not contain any sign copy.

- c. Within a freestanding sign, an area not to exceed twenty (24) square feet shall be allowed for continuous display (no flashing, scrolling or other animation) of electronic or non-electronic changeable copy identifying current fuel prices in accordance with Minnesota state statutes section 239.751.
  - 2. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:
    - a. The individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right of way.
    - b. The canopy fascia shall not be illuminated, except for allowed canopy signage.
- P. Window Signs: Window signs shall not exceed twenty five percent (25%) of the total area of the window in which they are displayed.
- Q. Adjoining Properties: Separate commercial and industrial uses on adjoining properties with a common lot line may each locate a sign on one freestanding structure subject to approval by the zoning administrator, provided that:
  - 1. The area of each of the individual business signs shall be consistent with the applicable district provisions in section 11-23-19 of this chapter.
  - 2. The height of the freestanding sign shall be consistent with the applicable district provisions in section 11-23-19 of this chapter.
  - 3. The maximum number of signs displayed on a single structure is two (2) signs.
  - 4. No additional freestanding signs shall be displayed on the individual properties.
  - 5. An agreement addressing construction, maintenance, and repair responsibilities and trespass rights is established and filed with the Dakota County recorder against the titles of the two (2) properties involved in the collocated freestanding sign. Amendment or cancellation of the agreement shall be allowed only upon written approval by the zoning administrator.
- R. Multiple Occupancy Commercial And Industrial Buildings: When a single principal building is devoted to two (2)

or more commercial or industrial principal uses, signs shall be allowed subject to review and approval of the zoning administrator based upon the following requirements:

1. The maximum individual sign sizes for multiple occupancy buildings and individual businesses that may display a sign shall not exceed the maximum provisions in the same zoning district in section 11-23-19 of this chapter.
2. Commercial retail, office, or mixed use multiple occupancy buildings may display a freestanding sign consistent with the applicable zoning district provisions in section 11-23-19 of this chapter.
3. Except as provided for in this subsection T, individual tenants of a multiple occupancy building within a commercial or industrial zoning district shall not display separate wall, canopy, or marquee signs unless the tenant's business has an exclusive exterior entrance and subject to the following requirements:
  - a. The number of individual wall, canopy, or marquee signs shall be limited to one per tenant space except one (1) additional sign may be displayed on a second façade for the tenant of a corner suite or a suite that extends through the building thus having two (2) exterior walls.
  - b. Each sign shall be limited to the maximum wall sign size permitted in the applicable zoning district provisions in section 11-23-19 of this chapter.
  - c. The sign shall be located only on the exterior wall of the tenant space to which the sign permit is issued, but are not required to face a public street.
  - d. A comprehensive sign plan is submitted that includes all of the following information:
    - (1) A site plan to scale showing the location of lot lines, buildings, structures, parking areas, existing and proposed signs, and any other physical features of the area included within the proposed comprehensive sign plan.



- (2) Scale elevations of buildings showing the location of existing or proposed wall, canopy, or marquee signs.
  - (3) To scale plans for all existing and proposed signs of any type included within the comprehensive sign plan indicating area, dimensions, height, materials, colors, and any means of illumination.
- e. No permit shall be issued for a new or replacement sign for an individual tenant except upon a determination by the zoning administrator that it is consistent with the approved comprehensive sign plan.
- S. Maximum Area Of Signage: On individual properties within commercial and industrial zoning districts in cases where no freestanding signs are utilized and where principal structures have a front yard setback in excess of that which is required under the applicable zoning district regulations, the maximum area allowed for individual wall, canopy or marquee signs may be increased by one percent (1%) for every five feet (5') of additional setback beyond the zoning district front yard setback requirement. This increase shall be limited to a maximum area of one hundred twenty five percent (125%) and shall be applied only to signs located on the side of the building facing the yard for which the calculation was made.
- T. Changeable Copy Signs: For commercial and industrial uses, one (1) forty (40) square foot changeable copy sign (but not including electronic changeable copy signs) shall be allowed per site provided that the changeable copy area of the sign is integrated into the allowed freestanding sign for the respective zoning district.
- U. Time And Temperature Sign: Within commercial and industrial zoning districts, an area not to exceed sixteen (16) square feet within a freestanding or wall sign shall be allowed for display of an electronic time and temperature sign subject to the sign provisions for the zoning district in which the sign is located.
- V. Projecting Signs: Projecting signs may be allowed in commercial districts provided that:
  - 1. There is a minimum of eight feet (8') of clearance under the base of the sign to the ground below.

2. The sign does not project more than five feet (5') beyond the wall to which it is mounted, may not project over any vehicular drive aisle or traveled portion of a public or private street and except in the C-CBD district may not project over a public right of way.
3. The area of the projecting sign shall not exceed twenty four (24) square feet.

W. Billboards: Existing billboards erected prior to January 1 1980, are an allowed use subject to the following requirements:

1. The sign is defined as a principal use of the property upon which a billboard is located. No approval shall be granted for a second principal use upon a property when one of the principal uses is a billboard allowed by this section.
2. The area of the sign shall not exceed four hundred (400) square feet.
3. The structure shall not exceed forty feet (40') in height.

y. Subdivisions:

1. Permanent Signs: One (1) sign shall be allowed for a subdivision having not less than three (3) lots or principal buildings at its entrance from a major collector or arterial street defined by the Lakeville transportation plan provided that:
  - a. The area of the face of each sign shall not exceed one hundred (100) square feet.
  - b. Freestanding signs shall be limited to a maximum height of:
    - (1) Ten (10) feet for residential uses.
    - (2) Twenty (20) feet for commercial, industrial and institutional uses.
  - c. The sign(s) shall be located to accommodate said sign and related landscaping to meet all setback requirements. If the sign(s) is to be located on outlots, the outlots shall be designated on the preliminary plat and detailed plans for the area identification signs shall be submitted with the final plat.

- d. The area around the sign shall be landscaped in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject to review and approval of the zoning administrator.
  - e. The design and construction of the sign shall be done with the highest quality materials and workmanship to keep maintenance and upkeep costs to a minimum and to minimize the potential for vandalism. The signs are to be aesthetically pleasing when designed and constructed. The sign shall be compatible with nearby structures in the area. Detailed construction plans and a materials list shall be included with each sign permit application and shall be subject to the review and approval of the zoning administrator.
2. Temporary Signs: A comprehensive signage plan for additional temporary signs shall be allowed upon approval of a final plat for a subdivision having not less than three (3) lots or approval of site and building plans for one lot by the zoning administrator provided that:
- a. One (1) sign shall be allowed per project or subdivision or one sign for each frontage to a collector or arterial street, whichever is greater.
    - (1) The area of the sign face shall not exceed sixty four (64) square feet.
    - (2) Freestanding signs shall be limited to a maximum height of eight feet (8').
  - b. Model homes as provided for by Chapter 27 of this Title shall be allowed the following signs:
    - (1) One (1) freestanding sign with a sign face not to exceed thirty two (32) square feet or a maximum height of eight (8) feet.
    - (2) Not more than three (3) flags with a maximum area of sixteen (16) square feet per face per flag and maximum height of twenty four (24) feet shall be allowed upon lots within the subdivision.

- c. Unless extended by the Zoning Administrator, the temporary signs and flags allowed by this section shall only be displayed for a period not to exceed three (3) years from the date a permit is issued for the sign or flag or until building permits have been issued for one hundred percent (100%) of the lots within a final plat or subsequent phases of the same preliminary plat of a subdivision.

**Section 67.** Section 11-23-17.C of the City Code is hereby amended to read as follows:

- C. All off premises signs except as allowed by subsections 11-23-15.K and W of this chapter.

**Section 68.** Section 11-23-17.E of the City Code is hereby amended to read as follows:

- E. Changeable copy signs, electronic except as allowed by Section 11-23-19.H of this Title.

**Section 69.** Section 11-23-17.Q of the City Code is hereby amended to read as follows:

- Q. Only those signs installed at the direction of the Minnesota Department of Transportation, Dakota County or the City of Lakeville shall be located within public rights-of-way.

**Section 70.** Section 11-23-19.B of the City Code is hereby amended to read as follows:

- B. Within the RS-1, RS-2, RS-3, RS-4, RS-CBD, RSMH, RST-1, RST-2, RM-1, RM-2, RH-1, or RH-2 district, the following additional regulations apply:
  - 1. Additional signs shall be allowed upon approval of a final plat for a subdivision having not less than five (5) lots provided that:
    - a. One sign shall be allowed per project or subdivision or one sign for each frontage to a major collector or arterial street, whichever is greater.

- b. The area of the sign shall not exceed thirty two (32) square feet.
  - c. Freestanding signs shall be limited to a maximum height of eight feet (8').
  - d. The sign shall not be displayed for a period to exceed twenty four (24) months from the date a permit is issued for the sign or until building permits have been issued for eighty five percent (85%) of the lots or dwelling units within the subdivision, whichever is less restrictive.
2. Government buildings and structures, public, quasi-public or private recreation buildings, public parks and recreation areas, public and private educational institutions limited to accredited elementary, middle or senior high schools, and religious institutions such as churches, chapels, temples and synagogues shall be allowed the following signs:
- a. Freestanding Sign:
    - 1. One (1) sign is allowed per lot, except that (1) additional sign shall be allowed when there is more than one (1) entrance from a major collector or arterial street.
    - 2. The area of each sign may not exceed one hundred (100) square feet per sign face.
    - 3. The sign shall be a monument type with a maximum height not to exceed ten feet (10').
    - 4. Changeable Copy Signs: Within the allowed area of a freestanding sign, a maximum of forty (40) square feet of non-electronic changeable copy shall be allowed per frontage to a major collector or arterial street.
  - b. Wall, Canopy, Or Marquee Signs:
    - 1. For single occupancy buildings, not more than one (1) sign larger than one hundred (100) square feet shall be allowed on one (1) facade fronting a public street, except in the case of a corner lot or through lot where one (1) additional one hundred (100) square foot

wall sign may be installed on a second facade fronting a public street.

2. Additional signs not to exceed forty eight (48) square feet shall be allowed for each building entrance.

**Section 71.** Section 11-23-19.C of the City Code is hereby amended to read as follows:

- C. Within the O-R district the following additional regulations shall apply:

1. Total Area and Number Of Signs:

- a. Freestanding Sign: One sign is allowed per lot. The area of a freestanding sign may not exceed fifty (50) square feet each side with a maximum height of twenty feet (20').
- b. Wall, Canopy, Or Marquee Sign: For single occupancy buildings, not more than one wall, canopy, or marquee sign shall be permitted on one facade fronting a public street, except in the case of a corner lot or through lot where wall signs may be installed on two (2) facades fronting a public street. The area of individual signs shall not exceed fifty (50) square feet.

**Section 72.** Section 11-23-19.D of the City Code is hereby amended to read as follows:

- D. Within the C-1 district the following additional regulations shall apply:

1. Total Area and Number Of Signs:

- a. Freestanding Sign: One sign is allowed per lot. The area of a freestanding sign may not exceed fifty (50) square feet each side with a maximum height of twenty feet (20').
- b. Wall, Canopy, Or Marquee Sign: For single occupancy buildings, not more than one wall, canopy, or marquee sign shall be permitted on one facade fronting a public street, except in the case of a corner lot or through lot where wall signs may be installed on two (2) facades fronting a public street. The area of

individual signs shall not exceed sixty four (64) square feet.

2. Freeway Corridor Area: Signs for uses within the freeway corridor area shall be subject to the regulations of subsection G of this section.

**Section 73.** Section 11-23-19.E of the City Code is hereby amended to read as follows:

- E. Within the C-2, C-3, and C-CBD zoning districts the following additional regulations shall apply:

1. Total Area and Number Of Signs:

- a. Freestanding Sign: One sign is allowed per lot. The area of a freestanding sign may not exceed one hundred (100) square feet each side with a maximum height of twenty feet (20').

- b. Wall, Canopy, Or Marquee Sign:

- (1) For single occupancy buildings, not more than one wall, canopy, or marquee sign shall be permitted on one facade fronting a public street, except:

- (a) In the case of a corner lot or through lot where wall signs may be installed on not more than two (2) facades fronting a public street.

- (b) In the case of a single occupancy building or single tenant space with a gross floor area of forty five thousand (45,000) square feet or larger, additional secondary wall signs shall be allowed on one facade fronting a public street.

- (c) Within the C-CBD district, one additional sign shall be allowed to be displayed on a side or rear wall of a building, which may or may not front a public street.

- (2) The area of individual signs shall not exceed one hundred (100) square feet, except:
  - (a) The area of one individual sign for single occupancy buildings or individual tenant spaces with a gross floor area of forty five thousand (45,000) square feet or larger shall not exceed four hundred forty (440) square feet. If a second sign is allowed for a single occupancy building or individual tenant with a gross floor area of forty five thousand (45,000) square feet or larger by subsection E1b of this section, the area of the second individual sign shall not exceed two hundred (200) square feet.
  - (b) The total area of all secondary wall signs allowed by subsection E1b of this section for a single occupancy building or individual tenant space with a gross floor area of forty five thousand (45,000) square feet or more shall not exceed one hundred forty four (144) square feet and the area of any one secondary wall sign shall not exceed seventy two (72) square feet.

- 2. Freeway Corridor Area: Signs for uses within the freeway corridor area shall be subject to the regulations of subsection G of this section.

**Section 74.** Section 11-23-19.F of the City Code is hereby amended to read as follows:

- F. Within the O-P, I-CBD, I-1, and I-2 districts the following additional regulations shall apply:
  - 1. Total Sign Area and Number:
    - a. Freestanding Sign: One sign is allowed per lot. The area of a freestanding sign may not



exceed one hundred (100) square feet each side with a maximum height of ten feet (10').

- b. Wall, Canopy, Or Marquee Sign: For single occupancy buildings, not more than one wall, canopy, or marquee sign shall be permitted on one facade fronting a public street, except in the case of a corner lot or through lot where wall signs may be installed on two (2) facades fronting a public street. The area of individual signs shall not exceed one hundred (100) square feet.

- 2. Freeway Corridor Area: Signs for uses within the freeway corridor area shall be subject to the regulations of subsection G of this section.

**Section 75.** Section 11-23-19.G of the City Code is hereby amended to read as follows:

- G. Within the freeway corridor district, defined on the Zoning Map, the following additional regulations shall apply to all C and I district properties:

- 1. Total Sign Area and Number:

- a. Freestanding Sign:

- (1) One (1) sign is allowed per lot.

- (2) The area of a sign may not exceed one hundred fifty (150) square feet each side, except that the area of a sign for single occupancy buildings with a gross floor area of one hundred thousand (100,000) square feet or larger shall not exceed four hundred (400) square feet.

- (3) Height:

- (a) The maximum height of the sign shall not exceed thirty (30) feet, except that the height of the sign for single occupancy buildings with a gross floor area of one hundred thousand (100,000) square feet or larger shall not exceed fifty (50) feet.

- (b) For convenience food, hotel, motor fuel and restaurant uses developed on properties with an elevation below that

of the centerline of I-35, measured at the closest distance between the sign location and centerline of I-35, may increase the height of a freestanding sign to be not more than thirty (30) feet above the centerline elevation of I-35 with a total height not to exceed seventy (70) feet.

b. Wall, Canopy, Or Marquee Sign:

- (1) For single occupancy buildings, not more than one wall, canopy, or marquee sign shall be permitted on one facade fronting a public street, except:
  - (a) In the case of a corner lot or through lot where wall signs may be installed on not more than two (2) facades fronting a public street.
  - (b) In the case of a single occupancy building or single tenant space with a gross floor area of forty five thousand (45,000) square feet or larger, additional secondary wall signs shall be allowed on one facade fronting a public street.
- (2) The area of individual signs shall not exceed one hundred (100) square feet, except:
  - (a) The area of one individual sign for single occupancy buildings or individual tenant spaces with a gross floor area of forty five thousand (45,000) square feet or larger shall not exceed four hundred forty (440) square feet. If a second sign is allowed for a single occupancy building or individual tenant with a gross floor area of forty five thousand (45,000) square feet or larger by subsection G1b of this section, the area of the second individual sign shall not exceed two hundred (200) square feet.

- (b) The area of individual signs for single occupancy buildings or individual tenant spaces with a gross floor area of one hundred thousand (100,000) square feet or larger shall not exceed six hundred (600) square feet.
- (c) The total area of all secondary wall signs allowed by subsection G1b of this section for a single occupancy building or individual tenant space with a gross floor area of forty five thousand (45,000) square feet or more shall not exceed one hundred forty four (144) square feet and the area of any one secondary wall sign shall not exceed seventy two (72) square feet.

**Section 76.** Section 11-23-19.H of the City Code is hereby amended to read as follows:

- H. Within the P-OS district the following additional regulations shall apply:
  - 1. Freestanding Sign:
    - a. One (1) sign is allowed per lot, except that (1) additional sign shall be allowed when there is more than one (1) entrance from a major collector or arterial street.
    - b. The area of each sign may not exceed one hundred (100) square feet per sign face.
    - c. The sign shall be monument type with a maximum height not to exceed ten feet (10').
    - d. Changeable Copy Signs:
      - (1) Within the allowed area of a freestanding sign, a maximum of forty (40) square feet of non-electronic changeable copy shall be allowed per frontage to a major collector or arterial street.

- (2) For City of Lakeville public administration, fire stations, police department buildings, ice arenas and public maintenance buildings and ISD 192, ISD 194 and ISD 196 School District uses only, the changeable copy sign allowed by this Section may utilize electronic changeable copy.

2. Wall, Canopy, Or Marquee Signs:

- a. For single occupancy buildings, not more than one (1) sign shall be allowed on one (1) facade fronting a public street, except in the case of a corner lot or through lot where one (1) additional one hundred (100) square foot wall sign may be installed on a second facade fronting a public street.
- b. Additional signs not to exceed forty eight(48) square feet shall be allowed for each building entrance.

**Section 77.** Title 11, Chapter 23 of the City Code is hereby amended to include the following provision:

11-23-21: SETBACKS:

Except as otherwise required by this Chapter, all freestanding signs shall be set back fifteen feet (15') from any property line abutting a public right of way and five feet (5') from any side or rear property line.

**Section 78.** Section 11-26-7 of the City Code is hereby amended to read as follows:

11-26-7: CONDITIONAL USE PERMIT REQUIRED:

All transmission pipelines (i.e., pipelines not required for local distributing network), overhead transmission and substation lines in excess of 33kV and up to 100kV and public transit and park-and-ride facilities shall be a conditional use in all districts subject to the procedural requirements and standards stipulated in this chapter and chapter 4 of this title.

**Section 79.** Section 11-26-9 of the City Code is hereby amended to add the following provision:

- G. Public transit and public park-and-ride shelters and walkways may be located within public rights-of-way or on individual lots and shall be exempt from the setbacks required from public rights-of-way by the zoning district in which it is located.

**Section 80.** Section 11-27-7.F of the City Code is hereby amended to read as follows:

- F. The administrative permit shall terminate three (3) years from its date of issuance or when building permits have been issued for all of the lots within a final plat or subsequent phases of the same preliminary plat of a subdivision, whichever comes first, unless extended by the zoning administrator.

**Section 81.** Title 11, Chapter 29 of the City Code is hereby amended to read as follows:

## CHAPTER 29

### ALTERNATIVE ENERGY SYSTEMS

#### SECTION:

- 11-29--1: Purpose
- 11-29--3: Wind Energy Conversion Systems (WECS)
- 11-29--5: Solar Energy Systems
- 11-29--7: Ground Source Heat Pump Systems
- 11-29--9: Hydronic Furnaces

#### 11-29-1: PURPOSE:

The purpose of this Chapter is to establish standards alternative energy systems shall be governed within the City.

#### 11-29-3: WIND ENERGY CONVERSION SYSTEMS (WECS):

##### A. Application:

- 1. Accessory Use:

1. Administrative Permit: Installation of one (1) wind energy conversion system that conforms to the height limits of the respective zoning district may be allowed as a permitted accessory use subject to approval of an administrative permit within any zoning district of the City and subject to the regulations and requirements of this Chapter.
  2. Interim Use: Installation of one (1) wind energy conversion system~~s~~ exceeding the height limit of the respective zoning district may be allowed as an accessory use subject to approval of an interim use permit within any zoning district of the City, subject to the regulations and requirements of this Chapter, provided the property upon which the system is to be located is zoned agricultural, commercial, industrial or public-open space district or is constructed and maintained on any parcel of at least two and one-half (2<sup>1</sup>/<sub>2</sub>) acres in size.
2. Declaration Of Conditions: The Planning Commission may recommend and the City Council may impose such conditions on the granting of a WECS interim use permit as may be necessary to carry out the purpose and provisions of this Chapter.
  3. Site Plan Drawing: All applications for a WECS interim use permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying the information as specified in Chapter 9 of this Title and the following:
    - a. Location and height of all buildings, structures, aboveground utilities and trees on the lot, including both existing and proposed structures and guy wire anchors.
    - b. Location and height of all adjacent buildings, structures, aboveground utilities and trees located within three hundred fifty feet (350') of the exterior boundaries of the property in question.
    - c. Sketch elevation drawing of the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.

4. Applications for an interim use permit under this Section shall include studies documenting sufficient access to unobstructed wind necessary for operation of the proposed turbine.

B. Code Compliance:

1. Compliance With State Building Code: Standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the State Building Code. Drawings and engineering calculations shall be certified by a Minnesota licensed engineer.
2. Compliance With National Electrical Code: WECS electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the City.

- C. Manufacturing Warranty: Applicant shall provide documentation or other evidence from the dealer or manufacturer that the WECS has been successfully operated in atmospheric conditions similar to the conditions within Lakeville. The WECS shall be warranted against any system failures reasonably expected in severe weather operation conditions.

D. Design Standards:

1. Height:

- a. The permitted maximum height of a WECS shall be determined in one of two (2) ways. In determining the height of the WECS the total height of the system shall be included. System height shall be measured from the base of the tower to the highest possible extension of the rotor.
  - (1) A ratio of one foot to one foot (1':1') between the distance of the closest property line to the base of the WECS to the height of the system.
  - (2) A maximum system height of one hundred seventy five feet (175').
- b. The shortest height of the two (2) above mentioned methods shall be used in determining the maximum allowable height of a WECS system. The height of a WECS must also comply with FAA regulations.

2.     Setbacks: No part of a WECS shall be located within or above any required front, side or rear yard setback. WECS towers shall be setback from the closest property line one foot (1') for every one foot (1') of system height. WECS shall not be located within thirty feet (30') of an aboveground utility line.
3.     Installation:
  - a.     All towers used to support a WECS shall be a monopole design certified by a structural engineer or manufacturer that the pole is capable of supporting the WECS.
  - b.     WECS installed on an existing structure shall require certification of a structural engineer that the existing structure is capable of supporting the WECS.
4.     Rotor Clearance: Blade arcs created by the WECS shall have a minimum of thirty feet of clearance over any structure or tree within a five hundred (500) foot radius.
5.     Rotor Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 miles per hour or greater).
6.     Electrical:
  - a.     All utilities shall be installed underground.
  - b.     An exterior utility disconnect switch shall be installed at the electric meter serving the property.
  - c.     Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City.
7.     Tower Access: To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:
  - a.     Tower climbing apparatus shall not be located within twelve feet (12') of the ground.
  - b.     A locked anti-climb device shall be installed on the tower.



- c. Towers capable of being climbed shall be enclosed by a locked, protective fence at least six feet (6') high.
  - 8. Signs: WECS shall have one sign, not to exceed two (2) square feet posted at the base of the tower and said sign shall contain the following information.
    - a. Warning high voltage.
    - b. Manufacturer's name.
    - c. Emergency phone number.
    - d. Emergency shutdown procedures.
  - 9. Color/Lighting:
    - a. WECS under one hundred seventy five feet (175') in height shall be painted a noncontrasting color consistent with the surrounding area such as: sky blue, gray, or brown, and have a galvanized or oxidized finish to reduce visual impact.
    - b. WECS shall not have affixed or attached any lights, reflectors, flasher or any other illumination, except for illumination devices required by FAA regulations.
  - 10. Electromagnetic Interference: WECS shall be designed and constructed so as not to cause radio and television interference.
  - 11. Noise Emission:
    - a. Within residential districts, noises emanating from the operation of WECS shall not exceed 10 db above ambient area noise levels.
    - b. In all other districts, Noises emanating from the operation of WECS shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations NPC 1 and 2, as amended.
  - 12. Utility Company Interconnection: No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the City.
- E. Ornamental Wind Devices: Ornamental wind devices that are not a WECS shall be exempt from the provisions of this

Chapter and shall conform to other applicable provisions of this Title.

F. Inspection: The City hereby reserves the right upon issuing any WECS interim use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.

G. Abandonment:

1. Any WECS or tower which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.

2. An interim use permit allowing for installation of a WECS under this section shall terminate upon the occurrence of any of the following events, whichever occurs first:

a. The property on which the WECS is located is zoned to other than an agricultural, commercial industrial or public-open space district.

b. The property on which the WECS is located is subdivided and the resulting lot area is less than 2.5 acres.

c. Any of the events outlined by Section 11-5-7 of this Title.

11-29-5: SOLAR ENERGY SYSTEMS:

A. Accessory Use.

1. Solar energy systems shall be allowed as a permitted accessory use in all zoning districts in accordance with the standards in this Section.

2. The following systems shall be exempt from the requirements of this section and shall be regulated as any other building element:

a. Building integrated solar energy systems that are an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural element or structural component including, but not limited to, photovoltaic or hot

water solar energy systems contained within roofing materials, windows, skylights and awnings.

- b. Passive solar energy systems that capture solar light or heat without transforming it into another form of energy or transferring the heat via a heat exchanger.

B. System Standards:

1. Electrical:

- a. All utilities shall be installed underground.
- b. An exterior utility disconnect switch shall be installed at the electric meter serving the property.
- c. Solar energy systems shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City.
- d. No solar energy system shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the solar energy system with the utility company shall adhere to the National Electrical Code as adopted by the City.

- 2. Maximum Area: Ground mounted solar energy systems shall be limited to a maximum area of one hundred twenty (120) square feet.

- 3. Color: All roof-mounted solar energy systems shall use colors that are the same or similar with the color of the roof material of the building on which the system is mounted.

C. Location:

1. Roof mounting.

- a. The solar energy system shall comply with the maximum height requirements of the applicable zoning district.
- b. The solar energy system shall not extend beyond the perimeter of the exterior walls of the building on which it is mounted.

2. Ground mounting.

- a. The solar energy system shall only be located in the rear yard as defined by this Title.
  - b. The solar energy system shall comply with the maximum height requirements for accessory buildings for the applicable zoning district.
  - c. All components of the solar energy system shall be setback a minimum of five (5) feet from interior side lot lines and ten (10) feet from rear lot lines.
  - d. Solar energy systems shall not encroach upon drainage and utility easements.
- D. Screening: Solar energy systems shall be screened in accordance with the requirements of Section 11-21-13 of this Title to the extent possible without affecting their function.
- E. Certification. The solar energy system shall be certified by Underwriters Laboratories, Inc. and comply to the requirements of the International Building Code.
- F. Abandonment: Any solar energy system which is inoperable for twelve (12) successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit.
- G. Building Permit. A building permit shall be obtained for any solar energy system prior to installation.

11-29-7: GROUND SOURCE HEAT PUMP SYSTEMS:

- A. Accessory Use.
  - 1. Ground source heat pump systems shall be allowed as a permitted accessory use in all zoning districts in accordance with the standards in this Section.
  - 2. Ground source heat systems in public water bodies or water bodies owned or managed by the City of Lakeville shall be prohibited except when accessory to a City of Lakeville facility.
- B. System Requirements:
  - 1. All ground source heat pump systems shall be closed loop systems that circulate heat transfer fluids as allowed by this section through pipes or coils buried beneath the land surface.

2. Heat transfer fluids shall be limited to non-toxic, food grade fluids such as potable water, aqueous solutions of propylene glycol not to exceed twenty (20) percent by weight or aqueous solutions of potassium acetate not to exceed twenty (20) percent by weight.
- C. Location:
1. Ground source heat pump systems shall only be located in the rear yard as defined by this Title.
  2. All components of ground source heat pump systems shall be setback a minimum of five (5) feet from interior side lot lines and ten (10) feet from rear lot lines.
  3. Ground source heat pump systems shall not encroach upon drainage and utility easements.
- D. Screening. Ground source heat pump systems shall be screened in accordance with the requirements of Section 11-21-13 of this Title.
- E. Certification: The ground source heat pump system shall be certified by Underwriters Laboratories, Inc. and comply to the requirements of the International Building Code.
- F. Abandonment: Any ground source heat pump system which is inoperable for twelve (12) successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit as follows:
1. The heat pump and any external or above ground mechanical equipment shall be removed.
  2. Pipes or coils below the land surface have be filled with grout to displace the heat transfer fluid, which is to be captured and disposed of in accordance with State and Federal regulations.
  3. The top of the pipe, coil or boring shall be uncovered and sealed.
- G. Building Permit.
1. A building permit shall be obtained for any ground source heat pump system prior to installation.
  2. Borings for ground source heat pump systems where the pipes or coils are installed vertically below the land shall also be subject to approval by the Minnesota Department of Health.

11-29-9: HYDRONIC FURNACES: Accessory use of a wood-fired furnace, stove or boiler not located within a building intended for habitation by humans or animals shall be allowed as an interim use only within agricultural/rural districts, subject to the following provisions:

- A. Minimum Lot Area. The minimum lot area for use of an accessory hydronic furnace shall be ten (10) acres.
- B. Setbacks. Hydronic furnaces shall be setback a minimum of one hundred (100) feet from all property lines.
- C. Burning Material. Material to be burned shall be limited to corn, pellet materials or natural, dry wood that has not been painted, varnished or coated in any way, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
- D. Exterior Storage. Outdoor storage of burning material shall be in accordance with Section 11-18-7.G of this Title.
- E. Other Requirements. All requirements for installation and maintenance shall be met including, but not limited to, local, state and federal regulations and manufacturer's specifications and shall be EPA Phase II qualified.
- F. The interim use permit shall terminate upon the occurrence of any of the following events, whichever occurs first:
  - 1. The property on which the hydronic furnace is located is zoned to other than an Agricultural/Rural District.
  - 2. The property on which the hydronic furnace is located is subdivided and the resulting lot area is less than ten (10) acres.
  - 3. Any of the events outlined by Section 11-5-7 of this Title.

**Section 82.** Section 11-30-3.K of the City Code is hereby amended to read as follows:

- K. Provide documentation or studies utilized to determine the necessary location and height of the antenna, including the following analysis:
1. Existing service area of the provider.
  2. Service area of the provider including the area at the height limits for an antenna established by this Chapter.
  3. Location, height and ability to co-locate on other existing antenna support structures owned by the applicant or other provider capable of providing service to all or a portion of the proposed service area.

**Section 83.** Section 11-30-11 of the City Code is hereby amended to read as follows:

11-30-11: ACCESSORY AND SECONDARY USE ANTENNAS:

The following standards shall apply to all accessory and secondary use antennas including radio and television receiving antennas, satellite dishes, TVROs (television receive only) two meters (2 m) or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio and television receivers, but not including antennas used in the amateur radio service regulated by Section 11-30-13 of this Title.

- A. Single satellite TVROs accessory to a residential use shall not exceed one meter (1 m) in diameter except as provided for by Section 11-30-15 of this Chapter.
- B. Accessory and secondary use antennas used for federally licensed amateur radio stations or for the amateur radio service shall be regulated by Section 11-30-13 of this Chapter.
- C. Accessory or secondary use antennas shall not be erected in any required yard (except a rear yard) or within public or private utility and drainage easements, or buffer yard, and shall be set back a minimum of ten feet (10') from all lot lines.
- D. Guy wires or guy wire anchors shall not be erected within public or private utility and drainage easements, and shall be set back a minimum of five feet (5') from all lot lines.

- E. The height of accessory or secondary use antennas and necessary support structures or towers, whether freestanding or mounted on another structure, may extend a maximum of fifteen feet (15') above the height restriction for the affected zoning district. A Height greater than fifteen feet (15') above the height restriction for the affected zoning district may be allowed by approval of an interim use permit provided that the additional height is the minimum required for the antenna to function properly.

**Section 84.** Title 11, Chapter 30 of the City Code is hereby amended to include the following provisions:

11-30-27: PROCESSING:

Applications required by this chapter to locate a personal wireless service antenna shall be processed in accordance with FCC Rules where more restrictive than Minnesota Statutes 15.99:

- A. The city council shall act on wireless facility requests within a period not longer than ninety (90) days from submission of the request for collocations of a personal wireless service antenna upon an existing tower or structure.
- B. The timeframes for action by the City Council may be extended by mutual consent of the applicant and Zoning Administrator.
- C. An application under this Chapter shall not be denied solely on the basis that service is available from another provider.

**Section 85.** Section 11-31.5.D of the City Code is hereby amended to read as follows:

- D. Parking:
  - 1. There shall be adequate off-street parking which shall be located separately from any outdoor play area and shall be in compliance with Chapter 19 of this Title. Parking areas shall be screened from view of surrounding and abutting residential districts in compliance with Chapter 21 of this Title.



2. Except as may be approved as part of a joint parking arrangement, as regulated by Section 11-19-17 of this Title, when a daycare facility is an accessory use within a structure containing another principal use, each use shall be calculated separately for determining the total off-street parking spaces required.

**Section 86.** Title 11, Chapter 32 of the City Code is hereby amended to read as follows:

## CHAPTER 32

### HOME OCCUPATIONS

#### SECTION:

- 11-32--1: Purpose
- 11-32--3: Application
- 11-32--5: Procedures And Permits
- 11-32--7: Requirement, General Provisions
- 11-32--9: Inspection

#### 11-32-1: PURPOSE:

The purpose of this Chapter is to maintain the character and integrity of residential areas, to prevent competition with commercial districts, to encourage telecommuting, and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood.

#### 11-32-3: APPLICATION:

All occupations conducted in the home shall comply with the provisions of this Chapter. This Chapter shall not be

construed, however, to apply to home occupations accessory to farming, nor home offices as defined by this Title.

11-32-5: PROCEDURES:

A. Administrative Permit:

1. Except as required by this section, home occupations defined by this Title shall require an Administrative Permit pursuant to Chapter 7 of this Title issued subject to the conditions of this Chapter, other applicable City ordinances and State law.
2. The permit shall remain in full force and effect until such time as there has been a change in conditions or until such time as the provisions of this Chapter have been breached.

B. Declaration Of Conditions: The Zoning Administrator may impose such conditions on the granting of an administrative permit as may be necessary to carry out the purpose and provisions of this Section.

C. Effect Of Permit:

1. An administrative permit may be issued for a period of one (1) year, after which the permit may be reissued for periods of up to three (3) years each.
2. Each application for permit renewal shall, however, be processed in accordance with the provisions of Chapter 8 of this Title regarding administrative permits, except that no application fee shall be required.

D. Transferability: Administrative permits shall not run with the land and shall not be transferable.

E. Lapse Of Administrative Permit By Nonuse: Whenever within one (1) year after granting an administrative permit, the use as permitted by the permit shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Zoning Administrator. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to initiate the use.

F. Renewal Of Permits:

1. An applicant shall not have a vested right to renewal of an administrative permit by reason of having obtained a previous permit.
2. In applying for and accepting a permit, the permit holder agrees that their monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment.
3. Each application for the renewal of a permit will be considered de novo without taking into consideration that a previous permit has been granted. The previous granting or renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.

11-32-7: GENERAL PROVISIONS:

All home occupations shall comply with the following general provisions and according to definition, the applicable requirement provisions.

- A. No home occupation shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- B. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
- C. Any home occupation shall be clearly incidental and secondary to the residential use of the premises, should not change the residential character thereof, and shall result in no incompatibility or disturbance to the surrounding residential uses.
- D. No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and State fire and police recommendations.
- E. All home occupations shall be conducted entirely within the living quarters of the principal dwelling and may not be conducted in any portion of an attached private garage or within accessory buildings.
- F. There shall be no exterior storage of equipment or materials used in the home occupation, except personal

automobiles used in the home occupation may be parked on the site.

- G. The home occupation shall meet all applicable fire and building codes.
- H. There shall be no exterior display or exterior signs or interior display or interior signs which are visible from outside the dwelling with the exception of one (1) sign not to exceed four (4) square feet in area.
- I. All home occupations shall comply with the provisions of Title 4, Chapter 1 of the City Code regarding nuisances.
- J. No home occupation shall be conducted between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.
- K. No person other than those who customarily reside on the premises shall be employed by the home occupation.
- L. Home occupations shall not create a parking demand in excess of that which can be accommodated in an existing driveway or guest parking area for multiple-family dwellings, where no vehicle is parked so as to obstruct a public street, sidewalk or trail or private driveway.
- M. Allowed home occupations:
  - 1. Home occupations include and are limited to:
    - a. Business consulting service.
    - b. Hair salon.
    - c. Instructional classes with not more than one (1) pupil at a time. Additional students receiving instruction at one time may be allowed for single family uses subject to approval of an interim use permit.
    - d. Massage therapy.
    - e. Photography studio.
    - f. Small appliance repair.
    - g. Tailoring, sewing and alternations.
  - 2. Home occupations shall not involve any of the following:

- a. Repair service or manufacturing which requires equipment other than found in a dwelling.
- b. Services which consists of more than one pupil, client, or customer at a time.
- c. Over-the-counter retail sale of merchandise produced off the premises.

11-32-9: INSPECTION:

The City hereby reserves the right upon issuing any home occupation permit to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this Chapter or any conditions additionally imposed.

**Section 87.** Section 11-35-3.A of the City Code is hereby amended to read as follows:

- A. The keeping of house pets is a permitted accessory use in all agriculture/rural and residential zoning districts.
  - 1. Not more than three (3) dogs over six (6) months of age shall be allowed to be kept except as a licensed kennel allowed within the respective zoning district in which the animals are located.

**Section 88.** Section 11-35-3.B of the City Code is hereby amended to read as follows:

- B. The keeping of horses is a permitted accessory use in all agriculture / rural zoning districts provided:
  - 1. The minimum lot size is two and one-half ( $2\frac{1}{2}$ ) acres.
  - 2. The number of horses does not exceed one per acre unless a higher number is granted by the issuance of a conditional use permit.

**Section 89.** Section 11-35-3.E of the City Code is hereby amended to read as follows:

- E. Animals may only be kept as a kennel defined by this Title or otherwise for commercial purposes if

authorized in the zoning district in which the animals are located.

**Section 90.** Section 11-37-3.Q of the City Code is hereby amended to read as follows:

- Q. Signs: A comprehensive sign plan must be submitted as part of a conditional use permit application. All signing and informational or visual communication devices shall be minimized and shall be in compliance with Chapter 23 of this Title.

**Section 91.** Section 11-37-7.B.19 of the City Code is hereby amended to read as follows:

19. Signs: A comprehensive sign plan must be submitted as part of a conditional use permit application. All signing and informational or visual communication devices shall be minimized and shall be in compliance with Chapter 23 of this Title.

**Section 92.** Title 11, Chapter 45 of the City Code is hereby amended to read as follows:

## CHAPTER 45

### GENERAL ZONING DISTRICT PROVISIONS

#### SECTION:

- 11-45-1: Establishment Of Zoning Districts
- 11-45-3: Zoning District Boundaries
- 11-45-5: Zoning Map
- 11-45-7: Annexations

#### 11-45-1: ESTABLISHMENT OF ZONING DISTRICTS:

In order to classify, regulate and restrict the location of trade and industry, and the location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards and open space within and surrounding such buildings, the city is hereby divided into zoning districts. The use, height and area regulations shall be uniform in each zoning district, and said zoning districts shall be known as:

- A. Agricultural/Rural Districts:
  - A-P, Agricultural preserve district
  - RA, Rural/agricultural district
  - RAO, Rural/agricultural overlay district
- B. Residential Districts:
  - RS-1, Single-family residential district
  - RS-2, Single-family residential district
  - RS-3, Single-family residential district
  - RS-4, Single-family residential district
  - RS-CBD, Single-family residential - central business district
  - RSMH, Single-family manufactured home park district
  - RST-1, Single- and two-family residential district
  - RST-2, Single- and two-family transition district
  - RM-1, Medium-density residential district
  - RM-2, Medium-density residential district
  - RH-1, Multiple-family residential district
  - RH-2, Multiple-family residential district
- C. Commercial Districts:
  - O-R, Office/residential transition district
  - C-1, Neighborhood commercial district
  - C-2, Highway commercial district
  - C-3, General commercial district
  - C-CBD, Commercial - central business district
  - O-P, Office park district
- D. Industrial Districts:
  - I-CBD, Industrial - central business district
  - I-1, Light industrial district

I-2, General industrial district

E. Special Districts:

PUD, Planned unit development district

POS, Public and open space district

F. Environmental Protection Districts:

FP, Floodplain overlay district

S, Shoreland overlay district

11-45-3: ZONING DISTRICT BOUNDARIES:

Zoning district boundary lines established by this title generally follow lot lines, the centerlines of railroad rights of way, street rights of way, watercourses or the corporate limit lines, all as they exist upon the effective date of this title.

- A. Appeals concerning the exact location of a zoning district boundary line shall be heard by the board of adjustment and appeals pursuant to chapter 7 of this title.
- B. Whenever any street, alley or other public way is vacated by official action of the city, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- C. All streets, alleys, public ways and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such alleys, streets, public ways or railroad rights of way. Where the centerline of a street, alley, public way or railroad right of way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
- D. All areas within the corporate limits of the city which are underwater and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins such water area. If such water area adjoins two (2) or more zones, the boundaries of each zone shall be construed to be extended into the water area in a



straight line until they meet the other district at the halfway point and/or to the corporate limits.

11-45-5: ZONING MAP:

The location and boundaries of the zoning districts established by this title are hereby set forth on the zoning map entitled Lakeville zoning map. Said map shall be on file with the zoning administrator, and hereinafter referred to as the "zoning map". Said map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this title by reference. It is the responsibility of the zoning administrator to maintain the zoning map, and amendments thereto shall be recorded on said map. The official zoning map shall be kept on file in the city hall.

11-45-7: ANNEXATIONS:

All territory hereafter annexed to the city which is not shown on the zoning map shall automatically, upon annexation, be classified within the RA district and shall be subject to all regulations, notations, references and conditions as are applicable to said district until such time that a determination may be made as to the proper zoning district classification for such territory and an amendment can be made to that effect.

**Section 93.** Title 11, Chapter 46 of the City Code is hereby amended to read as follows:

CHAPTER 46

A-P, AGRICULTURAL PRESERVE DISTRICT

SECTION:

11-46--1: Purpose  
11-46--3: District Application  
11-46--5: Permitted Uses  
11-46--7: Permitted Accessory Uses  
11-46--9: Conditional Uses  
11-46-11: Interim Uses  
11-46-13: Uses By Administrative Permit  
11-46-15: Lot Requirements And Setbacks  
11-46-17: Building Height

11-46-1: PURPOSE:

The purpose of the A-P district is to provide for an orderly means whereby lands in the city can be reserved for long term agricultural use as defined by the comprehensive plan.

11-46-3: DISTRICT APPLICATION:

The A-P district shall be applied and maintained in compliance with the provisions of Minnesota statutes section 473H.17, as may be amended.

11-46-5: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following uses are permitted in an A-P district:

- A. Farms, hobby farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots regulated by section 11-35-5 of this title.
- B. Parks, trails, playgrounds, and directly related buildings and structures; city of Lakeville only.
- C. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
- D. Single-family detached dwellings.

11-46-7: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an A-P district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this section, subject to applicable regulation of this title.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.

- F. WECS, solar energy systems, ground source heat pump systems and hydronic furnaces as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.
- L. Roadside stand for sale of in season agricultural products planted and completely grown on the premises.
- M. Secondary or accessory use antennas and satellites as regulated by chapter 30 of this title.
- N. Signs as regulated by chapter 23 of this title.
- O. Solar energy systems as regulated by chapter 29 of this title.

11-46-9: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an A-P district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Bed and breakfasts.
- B. Cemeteries or memorial gardens provided that:
  - 1. The use is public or quasi-public.
  - 2. The use meets the minimum setback requirements for principal structures.

- C. Commercial stables and riding academies.
- D. Daycare facilities as a principal or accessory use, except as provided for by this chapter, provided that the use complies with chapter 31 of this title.
- E. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- F. Farm buildings for the keeping of farm animals that are located within three hundred feet (300') of an existing residence on an abutting property or residential platted lot not under the same ownership as the parcel on which said buildings are constructed.
- G. Golf courses.
- H. Governmental buildings and structures necessary for the health, safety and general welfare of the city.
- I. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- J. Personal wireless service antennas not located on a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.

11-46-11: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, the following are interim uses in the A-P district and are further governed by chapter 5 of this title:

- A. Animal kennels as a secondary use.
- B. Landfilling and land excavation/grading operations, including mining as regulated by chapter 24 of this title.
- C. Hydronic furnaces as regulated by chapter 29 of this title.
- D. Open and outdoor storage as a principal or nonrelated accessory use.
- E. Single satellite dish TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- F. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

#### 11-46-13: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an A-P district by administrative permit:

- A. Personal wireless service antennas located upon a public or quasi-public structure or existing tower as regulated by chapter 30 of this title.
- B. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Temporary structures as regulated by chapter 28 of this title.
- D. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

#### 11-46-15: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an A-P district subject to the additional requirements, exceptions and modifications set forth in this title:

Lot Area:	40 acres
Lot Width:	500 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	10 feet on each side, or 30 feet on the side yard abutting a public right of way
Animal Feedlot:	No new residential dwelling shall be constructed after April 5, 2004, within one thousand feet (1,000') of an existing animal feedlot except dwellings constructed as a principal residence on the same parcel and under the same ownership of the owner of the animal feedlot as regulated by subsection 11-35-5D1 of this title.

11-46-17: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the A-P district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 94.** Title 11, Chapter 47 of the City Code is hereby amended to read as follows:

CHAPTER 47

RA, RURAL/AGRICULTURAL DISTRICT

SECTION:

11-47--1: Purpose  
11-47--3: Permitted Uses  
11-47--5: Permitted Accessory Uses  
11-47--7: Conditional Uses  
11-47--9: Interim Uses  
11-47-11: Uses By Administrative Permit  
11-47-13: Lot Requirements And Setbacks  
11-47-15: Building Height

11-47-1: PURPOSE:

The RA district is intended to provide a district which will allow suitable areas of the city to be retained and utilized for low density residential, open space and/or agricultural uses, in accordance with the comprehensive plan.

11-47-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RA district:

- A. Farms, hobby farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots regulated by section 11-35-5 of this title.

- B. Parks, trails, playgrounds, and directly related buildings and structures; city of Lakeville only.
- C. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
- D. Single-family detached dwellings.

11-47-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses within the RA district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this section, subject to applicable regulation of this title.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.

- L. Roadside stand for sale of in season agricultural products planted and completely grown on the premises.
- M. Secondary or accessory use antennas and satellites as regulated by chapter 30 of this title.
- N. Signs as regulated by chapter 23 of this title.
- O. Solar energy systems as regulated by chapter 29 of this title.

11-47-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RA district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Bed and breakfast facilities as regulated by chapter 33 of this title.
- B. Cemeteries or memorial gardens provided that:
  - 1. The use is public or quasi-public.
  - 2. The use meets the minimum setback requirements for principal structures.
- C. Commercial stables and riding academies.
- D. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- E. Farm buildings for the keeping of farm animals that are located within three hundred feet (300') of an existing residence on an abutting property or residential platted lot not under the same ownership as the parcel on which said buildings are constructed.
- F. Golf courses.
- G. Governmental buildings and structures necessary for the health, safety and general welfare of the city.
- H. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.



- I. Personal wireless service antennas not located on a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.

#### 11-47-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the RA district and are governed by chapter 5 of this title:

- A. Animal kennels as a secondary use.
- B. Landfilling and land excavation/grading operations, including mining as regulated by chapter 24 of this title.
- C. Hydronic furnaces as regulated by chapter 29 of this title.
- D. Open and outdoor storage as a principal or nonrelated accessory use.
- E. Single satellite dish TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- F. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

#### 11-47-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an RA district by administrative permit

- A. Personal wireless service antennas located upon a public or quasi-public structure or existing tower as regulated by chapter 30 of this title.
- B. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Temporary structures as regulated by chapter 28 of this title.
- D. WECS conforming to the height limit of this district, as regulated by chapter 29 of this titlee.

#### 11-47-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RA district subject to additional requirements, exceptions and modifications set forth in this title:

Lot Area:	10 acres
Lot Width:	300 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	20 feet on each side, or 30 feet on the side yard abutting a public right of way
Animal Feedlot:	No new residential dwelling shall be constructed after April 5, 2004, within one thousand feet (1,000') of an existing animal feedlot except dwellings constructed as a principal residence on the same parcel and under the same ownership of the owner of the animal feedlot as regulated by subsection 11-35-5D1 of this title.

11-47-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RA district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.

- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 95.** Title 11, Chapter 48 of the City Code is hereby amended to read as follows:

## CHAPTER 48

### RAO, RURAL/AGRICULTURAL OVERLAY DISTRICT

#### SECTION:

11-48--1: Purpose  
11-48--3: Application  
11-48--5: Permitted Uses  
11-48--7: Permitted Accessory Uses  
11-48--9: Conditional Uses  
11-48-11: Interim Uses  
11-48-13: Uses By Administrative Permit  
11-48-15: Lot Requirements And Setbacks  
11-48-17: Building Height

#### 11-48-1: PURPOSE:

The purpose of the RAO district is to delineate areas outside the Metropolitan Urban Service Area (MUSA) as identified by the comprehensive plan that are not zoned AP or RA District. Such areas are restricted from urban uses allowed by the base zoning district until such time as sanitary sewer and water utility services are available.

#### 11-48-3: APPLICATION:

All property not located within the Municipal Urban Service Area (MUSA), as defined by the Comprehensive Plan, and not zoned A-P district or RA district shall be overlaid by the RAO District. Whenever such property is reclassified to be included within the MUSA and rezoned through a comprehensive plan amendment, it shall subsequently be removed from the RAO district.

#### 11-48-5: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RAO district:

- A. Farms, hobby farms, agriculture, nurseries, wholesale nurseries, greenhouses, and tree farms, not including animal feedlots regulated by section 11-35-5 of this title.

- B. Parks, trails, playgrounds, and directly related buildings and structures; city of Lakeville only.
- C. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
- D. Single-family detached dwellings.

11-48-7: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses within the RAO district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this section, subject to applicable regulation of this title.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.

- L. Roadside stand for sale of in season agricultural products planted and completely grown on the premises.
- M. Secondary or accessory use antennas and satellites as regulated by chapter 30 of this title.
- N. Signs as regulated by chapter 23 of this title.
- O. Solar energy systems as regulated by chapter 29 of this title.

11-48-9: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RAO district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Farm buildings for the keeping of farm animals that are located within three hundred feet (300') of an existing residence on an abutting property or residential platted lot not under the same ownership as the parcel on which said buildings are constructed.
- C. Governmental buildings and structures necessary for the health, safety and general welfare of the city.
- D. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- E. Personal wireless service antennas not located on a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.

11-48-11: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the RAO district and are governed by chapter 5 of this title.

- A. Animal kennels as a secondary use.

- B. Commercial stables and riding academies.
- C. Landfilling and land excavation/grading operations, including mining as regulated by chapter 24 of this title.
- D. Open and outdoor storage as a principal or nonrelated accessory use.
- E. Hydronic furnaces as regulated by chapter 29 of this title.
- F. Recreational Camping.
- G. Single satellite dish TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- H. WECS exceeding the height allowed limit of this district, as regulated by chapter 29 of this Title.

#### 11-48-13: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this Section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an RAO district by administrative permit:

- A. Personal wireless service antennas located upon a public or quasi-public structure or existing tower as regulated by chapter 30 of this title.
- B. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Temporary structures as regulated by chapter 28 of this title.
- D. WECS conforming to the height allowed limit of this district, as regulated by chapter 29 of this title.

#### 11-48-15: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RAO district subject to additional requirements, exceptions and modifications set forth in this title:

Lot Area:	10 acres
Lot Width:	300 feet
Setbacks:	

Front yards	30 feet
Rear yards	30 feet
Side yards	20 feet on each side, or 30 feet on the side yard abutting a public right of way

11-48-17: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RAO district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 95.** Title 11, Chapter 50 of the City Code is hereby amended to read as follows:

CHAPTER 50

RS-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION:

- 11-50--1: Purpose
- 11-50--3: Permitted Uses
- 11-50--5: Permitted Accessory Uses
- 11-50--7: Conditional Uses
- 11-50--9: Interim Uses
- 11-50-11: Uses By Administrative Permit
- 11-50-13: Lot Requirements And Setbacks
- 11-50-15: Building Height

11-50-1: PURPOSE:

The purpose of the RS-1 district is to provide for low density single-family detached residential dwelling units and directly related, complementary uses in areas of the city containing highly unique natural features and amenities.

11-50-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this Title, the following are permitted uses in an RS-1 district:

- A. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- B. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
- C. Single-family detached dwellings.

#### 11-50-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an RS-1 district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this section, subject to applicable regulation of this title.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.



- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.
- L. Secondary or accessory use antennas as regulated by chapter 30 of this title.
- M. Signs as regulated by chapter 23 of this title.
- N. Solar energy systems as regulated by chapter 29 of this title.

11-50-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RS-1 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.
- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Golf courses.
- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').
- E. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- F. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.
- G. Residential front yard setback reduction:

1. On streets judged as being located within environmentally sensitive areas, a five foot (5') reduction in front yard setbacks may be allowed. Except as may be specifically approved by the city council, front yard setback reductions shall occur on no more than one of two (2) lots paralleling and fronting each other on the same street. In total, front yard setback reductions shall occur on no more than fifty percent (50%) of the lots on such qualifying streets.
  2. There shall be no reduction of lot area or lot width requirement established by this district.
- H. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

#### 11-50-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the RS-1 district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

#### 11-50-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an RS-1 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Model homes as regulated by chapter 27 of this title.

- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.
- D. Temporary structures as regulated by chapter 28 of this title.
- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

11-50-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RS-1 district subject to additional requirements, exceptions and modifications set forth in this title:

	Lots Of Record And Preliminary Platted Lots Having Legal Standing <u>On January 1, 1994</u>	Lots Of Record After <u>January 1, 1994</u>
Lot area:		
Corner	20,000 square feet	24,000 square feet
Interior	20,000 square feet	20,000 square feet
Lot width:		
Corner	100 feet	120 feet
Interior	100 feet	100 feet
Setbacks:		
Front yards	30 feet	30 feet
Rear yards	30 feet	30 feet
Side yards	10 feet on each side, or 20 feet on the side yard abutting a public right of way	15 feet on each side, or 30 feet on the side yard abutting a public right of way

Buffer yard: Refer to subsection 11-21-9C of this title.

11-50-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RS-1 district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.

- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 96.** Title 11, Chapter 51 of the City Code is hereby amended to read as follows:

## CHAPTER 51

### RS-2, SINGLE-FAMILY RESIDENTIAL DISTRICT

#### SECTION:

- 11-51--1: Purpose
- 11-51--3: Permitted Uses
- 11-51--5: Permitted Accessory Uses
- 11-51--7: Conditional Uses
- 11-51--9: Interim Uses
- 11-51-11: Uses By Administrative Permit
- 11-51-13: Lot Requirements And Setbacks
- 11-51-15: Building Height

#### 11-51-1: PURPOSE:

The purpose of the RS-2 district is to provide an option for low density single-family detached residential dwelling units and directly related, complementary uses in environmentally sensitive areas of the city as defined by the comprehensive plan.

#### 11-51-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RS-2 district:

- A. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- B. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
- C. Single-family detached dwellings.

#### 11-51-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an RS-2 district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this section, subject to applicable regulation of this Title.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.
- L. Secondary or accessory use antennas as regulated by chapter 30 of this title.
- M. Signs as regulated by chapter 23 of this title.
- N. Solar energy systems as regulated by chapter 29 of this title.

11-51-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RS-2 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.
- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Golf courses.
- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').
- E. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- F. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.
- G. Residential front yard setback reduction:
  - 1. On streets judged as being located within environmentally sensitive areas, a five foot (5') reduction in front yard setbacks may be allowed. Except as may be specifically approved by the city council, front yard setback reductions shall occur on no more than one of two (2) lots paralleling and fronting each other on the same street. In total, front yard setback reductions shall occur on no more than fifty percent (50%) of the lots on such qualifying streets.
  - 2. There shall be no reduction of lot area or lot width requirement established by this district.

- H. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

#### 11-51-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the RS-2 district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

#### 11-51-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an RS-2 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Model homes as regulated by chapter 27 of this title.
- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.
- D. Temporary structures as regulated by chapter 28 of this title.
- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

#### 11-51-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RS-2 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot area:	
Corner	18,000 square feet
Interior	15,000 square feet
Lot width:	
Corner	120 feet
Interior	100 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	15 feet on each side, or 30 feet on the side yard abutting a public right of way

Buffer yard: Refer to subsection 11-21-9C of this title.

#### 11-51-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RS-2 district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 97.** Title 11, Chapter 52 of the City Code is hereby amended to read as follows:

#### CHAPTER 52

#### RS-3, SINGLE-FAMILY RESIDENTIAL DISTRICT

#### SECTION:

- 11-52--1: Purpose
- 11-52--3: Permitted Uses



11-52--5: Permitted Accessory Uses  
11-52--7: Conditional Uses  
11-52--9: Interim Uses  
11-52-11: Uses By Administrative Permit  
11-52-13: Lot Requirements And Setbacks  
11-52-15: Building Height

11-52-1: PURPOSE:

The purpose of the RS-3-district is to provide an option for low density single-family detached residential dwelling units and directly related, complementary uses in areas without environmental constraints and amenities.

11-52-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RS-3 district:

- A. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- B. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
- C. Single-family detached dwellings.

11-52-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an RS-3 district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Section, subject to applicable regulation of this title.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.

- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.
- L. Secondary or accessory use antennas as regulated by chapter 30 of this title.
- M. Signs as regulated by chapter 23 of this title.
- N. Solar energy systems as regulated by chapter 29 of this title.

#### 11-52-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RS-3 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.
- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Golf courses.

- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').
- E. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- F. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.
- G. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

#### 11-52-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the RS-3 district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

#### 11-52-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an RS-3 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.

- B. Model homes as regulated by chapter 27 of this title.
- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.
- D. Temporary structures as regulated by chapter 28 of this title.
- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

#### 11-52-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RS-3 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot area:	
Corner	12,500 square feet
Interior	11,000 square feet
Lot width:	
Corner	100 feet
Interior	85 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	10 feet on each side, or 20 feet on the side yard abutting a public right of way

Buffer yard: Refer to subsection 11-21-9C of this title.

#### 11-52-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RS-3 district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 98.** Title 11, Chapter 53 of the City Code is hereby amended to read as follows:

CHAPTER 53

RS-4, SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION:

11-53--1: Purpose  
11-53--3: Permitted Uses  
11-53--5: Permitted Accessory Uses  
11-53--7: Conditional Uses  
11-53--9: Interim Uses  
11-53-11: Uses By Administrative Permit  
11-53-13: Lot Requirements And Setbacks  
11-53-15: Building Height

11-53-1: PURPOSE:

The purpose of the RS-4, single-family residential district is to provide for low density single-family detached residential dwelling units and directly related, complementary uses in areas without environmental constraints and amenities.

11-53-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RS-4 district:

- A. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- B. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
- C. Single-family detached dwellings.

11-53-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an RS-4 district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit

in this Section, subject to applicable regulation of this title.

- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.
- L. Secondary or accessory use antennas as regulated by chapter 30 of this title.
- M. Signs as regulated by chapter 23 of this title.
- N. Solar energy systems as regulated by chapter 29 of this title.

#### 11-53-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RS-4 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the

standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.
- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Golf courses.
- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').
- E. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- F. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.
- G. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

#### 11-53-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the RS-4 district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

11-53-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an RS-4 district by administrative permit

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Model homes as regulated by chapter 27 of this title.
- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.
- D. Temporary structures as regulated by chapter 28 of this title.
- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

11-53-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RS-4 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot area:	
Corner	10,200 square feet
Interior	8,400 square feet
Lot width:	
Corner	85feet
Interior	70 feet
Setbacks:	
Front yards	20 feet to the principal building; and, 25feet to the garage face
Rear yards	30 feet
Side yards	7 feet from the adjacent lot, or 20 feet on the side yard abutting a public right of way



Maximum Building Coverage:	40 percent
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Buffer yard: Refer to subsection 11-21-9C of this title

#### 11-53-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RS-4 district shall exceed the following height:

- A. Principal Buildings: Two and one-half (2-1/2) stories or twenty five feet (25'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 99.** Title 11, Chapter 54 of the City Code is hereby amended to read as follows:

#### CHAPTER 54

#### RS-CBD, SINGLE-FAMILY RESIDENTIAL - CENTRAL BUSINESS DISTRICT

#### SECTION:

- 11-54--1: Purpose
- 11-54--3: Permitted Uses
- 11-54--5: Permitted Accessory Uses
- 11-54--7: Conditional Uses
- 11-54--9: Interim Uses
- 11-54-11: Uses By Administrative Permit
- 11-54-13: Lot Requirements And Setbacks
- 11-54-15: Building Height

#### 11-54-1: PURPOSE:

The purpose of the RS-CBD district is to provide regulations which accommodate the unique and desired development character of single-family residential uses in the area surrounding the central business district of the city, as defined by the comprehensive plan.

#### 11-54-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following uses are allowed as permitted uses within the RS-CBD district:

- A. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- B. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
- C. Single-family detached dwellings.

#### 11-54-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses allowed in the RS-CBD district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Section, subject to applicable regulation of this title.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.

- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.
- L. Secondary or accessory use antennas as regulated by chapter 30 of this title.
- M. Signs as regulated by chapter 23 of this title.
- N. Solar energy systems as regulated by chapter 29 of this title.

11-54-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RS-CBD district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Bed and breakfast establishments, as regulated by chapter 33 of this title.
- B. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.
- C. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').
- E. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- F. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.

- G. Principal Building Required Side Or Rear Yard Reduction: A required principal building side or rear yard setback may be reduced provided that:
1. The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Title.
  2. Property line drainage and utility easements as required by the ~~City's~~ Subdivision Ordinance are provided and no building will occur upon this reserved space.
  3. It will work toward the preservation of trees or unique physical features of the lot or area.
  4. If affecting a north lot line, will not restrict sun access from the abutting lot.
  5. It will not obstruct traffic visibility, cause a public safety problem and complies with section 11-16-15 of this title.
- H. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

11-54-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to the applicable provisions of this title, the following are interim uses allowed in the RS-CBD district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

11-54-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section,

performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an RS-CBD district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Model homes as regulated by chapter 27 of this title.
- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.
- D. Temporary structures as regulated by chapter 28 of this title.
- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

#### 11-54-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RS-CBD district subject to additional requirements, exceptions and modifications set forth in this title:

Lot area:	
Corner	10,080 square feet
Interior	8,400 square feet
Lot width:	
Corner	90 feet
Interior	75 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	7 feet from the adjacent lot, or 20 feet on the side yard abutting a public right of way

Buffer yard: The buffer yard requirements of subsection 11-21-9C of this title shall not apply to the RS-CBD district.

#### 11-54-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RS-CBD district shall exceed the following height:

- A. Principal Buildings: Two and one-half (2-1/2) stories or twenty five feet (25'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 100.** Title 11, Chapter 55 of the City Code is hereby amended to read as follows:

#### CHAPTER 55

##### RSMH, SINGLE-FAMILY MANUFACTURED HOME PARK DISTRICT

###### SECTION:

11-55--1: Purpose  
11-55--3: Permitted Uses  
11-55--5: Permitted Accessory Uses  
11-55--7: Conditional Uses  
11-55--9: Interim Uses  
11-55-11: Uses By Administrative Permit  
11-55-13: Site Plan Requirements; Manufactured Home Parks  
11-55-15: Design Standards  
11-55-17: Operational Standards For Manufactured Home Parks  
11-55-19: Street Maintenance; Manufactured Home Parks  
11-55-21: Lot Requirements and Setbacks  
11-55-23: Building Height

###### 11-55-1: PURPOSE:

The purpose of an RSMH district is to provide a separate district for manufactured home parks, distinct from other residential areas.

###### 11-55-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following uses are permitted uses in an RSMH district:

- A. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.

- B. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
- C. Single-family detached dwellings.

11-55-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses allowed in the RSMH district:

A. Manufactured Home Parks (As Regulated By This Section):

- 1. All permitted accessory uses allowed within the RS-4 district, except:
  - a. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.
  - b. Home occupations as regulated by chapter 32 of this title.

B. Other Uses:

- 1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Section, subject to applicable regulation of this title.
- 2. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- 3. Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.
- 4. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- 5. Fences as regulated by chapter 21 of this title.
- 6. Ground source heat pump systems as regulated by chapter 29 of this title.
- 7. Home offices as regulated by chapter 32 of this title.
- 8. Keeping of animals subject to chapter 35 of this title.
- 9. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of

the residents of the principal use and their occasional guests, except as otherwise permitted.

10. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
11. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.
12. Secondary or accessory use antennas as regulated by chapter 30 of this title.
13. Signs as regulated by chapter 23 of this title.
14. Solar energy systems as regulated by chapter 29 of this title.

#### 11-55-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RSMH district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.
- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Golf courses.
- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').
- E. Manufactured home parks as regulated by this chapter.



- F. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- G. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.
- H. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

11-55-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this Title, and subject to applicable provisions of this title, the following are interim uses in an RSMH district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

11-55-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this Section, performance standards established by this chapter, and processing requirements of Chapter 8 of this Title, the following are uses allowed in an RSMH district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Model homes as regulated by chapter 27 of this title.
- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.
- D. Temporary structures as regulated by chapter 28 of this title.

- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

11-55-13: SITE PLAN REQUIREMENTS; MANUFACTURED HOME PARKS:

In addition to the conditional use permit requirements outlined in chapter 4 of this title, and a site plan, chapter 9 of this title, containing the additional information must be submitted for manufactured home parks:

- A. Plans for any and all structures (i.e., central community building, storm shelter).
- B. Detailed description of maintenance procedures and grounds supervision for common areas.
- C. Provide details on development phasing if applicable.
- D. A copy of the guidelines and rules proposed by the manufactured home park operator regulating the building type and construction of building additions, accessory buildings, decks and similar type construction.
- E. Such other information as required or implied by these manufactured home park standards or requested by public officials.

11-55-15: DESIGN STANDARDS:

- A. Lot Requirements And Setbacks: Single-family uses:
  - 1. Lot requirements and setbacks shall be as specified in the Section 11-55-21 of this title.
- B. General Provisions For All Manufactured Home Parks:
  - 1. Area: All land area shall be:
    - a. Adequately drained.
    - b. Landscaped to control dust.
    - c. Clean and free from refuse, garbage, rubbish or debris.
  - 2. Recreational Camping: No portion of a manufactured home park shall be used as a recreational camping area.
  - 3. Public Access: Public access to manufactured housing parks shall be as approved by the city.

4. Fences: Fences are prohibited on individual manufactured home lots.
5. Access: The area beneath a manufactured home shall be enclosed except that such enclosure must have access for inspection.
6. Community Building: A manufactured home park shall have a central community building with restroom facilities, heating in all areas, and adequate storm protection design and capacity to serve the manufactured home park. Such buildings shall be maintained in a safe, clean and sanitary condition.
7. Emergency Storm Protections: Manufactured home parks established prior to July 1, 1993, shall comply with emergency storm protections as required by Minnesota statutes. A new manufactured home park established after July 1, 1993, shall have storm shelters in compliance with Minnesota statutes. Additionally, all emergency storm protection measures shall be subject to the approval of the city council.
8. Lot Setbacks: Individual manufactured home lot setbacks:
  - a. In manufactured home parks existing prior to January 1, 1965, no unit shall be located closer than three feet (3') from a street surface, nor closer than ten feet (10') to the side of an adjacent unit, nor closer than three feet (3') between manufactured homes parked end to end.
  - b. In manufactured home parks created between January 1, 1965, through July 1, 1982, no manufactured home shall be located closer than twenty feet (20') from a street surface, nor closer than twenty feet (20') to an adjacent manufactured home.
  - c. In manufactured home parks created after July 1, 1982, through January 1, 1995, no manufactured home shall be located closer than ten feet (10') to a side or rear lot line, nor closer than twenty feet (20') to the front lot line.
  - d. In manufactured home parks created after January 1, 1995, no manufactured home shall be located closer than ten feet (10') to a side or rear lot line. The front yard setback shall be at least thirty feet (30') from the street surface. On corner lots, the side yard setback shall be at least twenty feet (20') from the street surface. No manufactured home shall be located closer than

thirty feet (30') from the periphery lot line of the manufactured home park.

- e. In manufactured home parks created prior to January 1, 1995, changes in the setbacks required under subsections B8a through B8c of this Section may be allowed by planned unit development as regulated by Chapter 96 of this Title.

9. Permitted Encroachments:

- a. Attached steps, uncovered stoops, and landings may encroach up to five feet (5') into a side yard setback, provided that they do not exceed twenty (20) square feet in area or extend closer than ten feet (10') to a structure on an adjacent lot.
- b. An eave or overhang may encroach up to one foot (1') into a front, side and rear setback.
- c. In manufactured home parks established between January 1, 1965, and January 1, 1995, deck, stoops, steps and landings may encroach a maximum of ten feet (10') into a side yard setback provided that they do not exceed one hundred (100) square feet in area and that they are set back at least ten feet (10') from any structure on an adjacent lot.

10. Building Height Requirements: No structure shall exceed one story or twenty five feet (25') whichever is least.

11. Utilities:

- a. All manufactured home parks shall be connected to a public water and sanitary sewer system.
- b. All installations for disposal of surface stormwater must be approved by the city.
- c. All utility connections shall be as approved by the city.
- d. The source of fuel for cooking, heating, or other purposes at each manufactured home site shall be as approved by the city.
- e. All utilities shall be underground; there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

- f. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related manufactured home equipment.
  - g. The method of garbage, waste, and trash disposal must be approved by the city.
  - h. The manufactured home park owner shall pay any required sewer and water connection fees to the city.
  - i. The manufactured home park owner shall pay inspection and testing fees for utility service to the city.
- 12. Storage: Exterior storage on individual manufactured home lots shall comply with the provisions of chapter 22 of this title, except not more than one recreational vehicle may be allowed on a lot.
- 13. Accessory Buildings:
  - a. Limit: Accessory buildings including garages shall be limited to one per manufactured home lot. Maximum allowable floor area shall not exceed six percent (6%) of the lot size in manufactured home parks where lot size is delineated by site plan or lot markers. Floor area shall not exceed eighty (80) square feet in manufactured home parks where lot size is not delineated.
  - b. Maximum Building Height: Fifteen feet (15').
  - c. Location: The manufactured home park site plan shall designate the locations proposed for the development of garages and/or accessory buildings on each manufactured home lot. Said accessory buildings shall comply with the following setback requirements:
    - (1) An accessory building shall only be located in side or rear yards.
    - (2) Accessory buildings shall not be located within any utility easements.
    - (3) In manufactured home parks existing prior to January 1, 1965, accessory buildings shall be located at least three feet (3') from any other building or structure on the same lot and at least five feet (5') from a structure on an adjacent lot. On corner lots, accessory buildings shall be located at least ten feet (10') from a side street surface. Accessory

building floor area shall not exceed eighty (80) square feet.

- (4) In manufactured home parks created between January 1, 1965, through July 1, 1982, accessory buildings shall be located at least six feet (6') from any other building or structure on the same lot and at least six feet (6') from a structure on an adjacent lot. On corner lots, accessory buildings shall be located at least fifteen feet (15') from a side street surface.
  - (5) In manufactured home parks created after July 1, 1982, through January 1, 1995, accessory buildings shall be located at least six feet (6') from any other building or structure on the same lot and at least ten feet (10') from a structure on an adjacent lot. On corner lots, accessory buildings shall be located at least twenty feet (20') from a side street surface.
  - (6) In manufactured home parks created after January 1, 1995, accessory buildings shall be located at least six feet (6') from any other building or structure on the same lot and at least ten feet (10') from a structure on an adjacent lot. On corner lots, accessory buildings shall be located at least twenty feet (20') from a side street surface. Accessory buildings in excess of twelve feet (12') in width must be placed on a lot at least sixty five feet (65') in width.
  - (7) In manufactured home parks and on manufactured home park lots established after January 1, 1995, all accessory buildings located on individual manufactured home unit lots shall be owned, constructed, and maintained by the manufactured home park owner. In said parks, all accessory structures shall be established as part of a predetermined site plan and subject to the approval of the city council.
- d. Building Type And Construction: Any building addition shall either be manufactured or custom built of materials that are consistent or compatible to the design of the principal building. "Compatible" means that the exterior appearance of an accessory building is not at variance with the principal building from an aesthetic and architectural standpoint to cause:

- (1) A difference to a degree to cause incongruity with the principal building.
- (2) A deviation from the general character of the neighborhood.

C. Design Requirements For Manufactured Home Parks Created After January 1, 1995:

1. Park Size: The minimum area required for a manufactured home park designation shall be five (5) acres.
2. Lot Size: Individual manufactured home lot approved after January 1, 1995:
  - a. Lot Width: Not less than sixty five feet (65').
  - b. Lot Depth: Not less than one hundred twenty feet (120').
  - c. Changes To Requirements: Changes to lot width and lot depth requirements may be allowed by planned unit development as regulated by chapter ~~4~~96 of this title.
  - d. Frontage: Each manufactured home lot shall have frontage on an approved roadway and the corner of each manufactured home lot shall be marked and each lot shall be numbered.
3. Parking:
  - a. Each manufactured home site shall have off-street parking space for two (2) passenger vehicles.
  - b. All parking spaces shall be concrete or asphalt surfaced according to specifications established by the city.
4. Internal Drives And Streets:
  - a. All streets shall be private drives and shall be developed with a roadbed of not less than thirty two feet (32') in width and shall meet city design specifications. A reduction in the street width requirement may be allowed by planned unit development as regulated by chapter 96 of this title provided sufficient off-street guest parking spaces are constructed and maintained at the owner/operator's expense.
  - b. The park shall have a street lighting plan approved by the city.

5. Recreation: All manufactured home parks shall have at least ten percent (10%) of the land area developed for recreational use (tennis courts, children's play equipment, swimming pool, golf green, etc.). The recreational use shall be developed and maintained at the owner/operator's expense.
6. Landscaping:
  - a. Each manufactured home lot shall be provided with two (2) trees. The size and type of trees must meet the requirements of section 11-21-9 of this title.
  - b. A landscape screen meeting the requirements of chapter 21 of this title shall be installed and maintained around each manufactured home park.
  - c. All areas shall be landscaped in accordance with a landscaping plan approved by the city council.
7. Lighting:
  - a. Artificial light shall be maintained from sunset to sunrise in all buildings containing public toilets, laundry equipment, and the like.
  - b. The manufactured home park grounds shall be lighted as approved by the city from sunset to sunrise.

11-55-17: OPERATIONAL STANDARDS FOR MANUFACTURED HOME PARK:

- A. Maintenance: The operator of any manufactured home park, or a duly authorized attendant and/or caretaker shall be responsible at all times for keeping the manufactured home park, its facilities and equipment, in a clean, orderly, operable, and sanitary condition. The attendant or caretaker shall be answerable, along with said operator, for the violation of any provisions of these regulations to which said operator is subject.
- B. Inspections Prior To Sale: Prior to the sale of a manufactured home within a manufactured home park, the operator of a manufactured home park or the duly authorized attendant and/or caretaker must inform the building official of the prospective sale.
- C. Permits: Prior to a manufactured home being moved onto a lot, the owner shall apply for and obtain a building permit for the (foundation) blocking to State code and a permit for connection to public sewer and water. The application for



permits shall be accompanied by a site plan, drawn to scale, detailing the unit placement, accessory structures, and setbacks.

- D. Upgrading: Prior to locating a manufactured home housing unit constructed prior to July 1, 1972, on a lot within a manufactured home park within the City, said unit shall be upgraded to current life safety codes and subject to the approval of the building official.

11-55-19: STREET MAINTENANCE; MANUFACTURED HOME PARKS:

All private internal drives in manufactured home parks shall be maintained by the park owner in a good state of repair, free from obstructions, encumbrances, depressions, potholes, and break ups. Snow shall be promptly plowed and removed from streets and adjacent mail boxes and fire hydrants, so that snow or snow piles do not constitute a safety hazard to motorists and pedestrians, or constitute an obstruction to emergency service vehicles. Icy drives and areas adjacent to mail boxes shall be promptly sanded. "Promptly" shall mean no later than twenty four (24) hours after the end of a snow fall or in the case of ice within twenty four (24) hours after it has formed.

11-55-21: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RSMH district subject to additional requirements, exceptions and modifications set forth in this title:

Lot area:	
Corner	12,500 square feet
Interior	11,000 square feet
Lot width:	
Corner	100 feet
Interior	85 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	10 feet on each side, or 20 feet on the side yard abutting a public right of way

Buffer yard: Refer to subsection 11-21-9C of this title.

11-55-23: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RSMH district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 101.** Title 11, Chapter 56 of the City Code is hereby amended to read as follows:

CHAPTER 56

RST-1, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT

SECTION:

11-56--1: Purpose  
11-56--3: Permitted Uses  
11-56--5: Permitted Accessory Uses  
11-56--7: Conditional Uses  
11-56--9: Interim Uses  
11-56-11: Uses By Administrative Permit  
11-56-13: Lot Requirements And Setbacks  
11-56-15: Building Height

11-56-1: PURPOSE:

The purpose of the RST-1-district is to provide for one and two unit dwellings and directly related, complementary uses.

11-56-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RST-1 district:

- A. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.

- B. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.
- C. Single-family detached dwellings.
- D. Two-family dwelling units.

11-56-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an RST-1 district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Section, subject to applicable regulation of this title.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per single family detached dwelling.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.

- L. Secondary or accessory use antennas as regulated by chapter 30 of this title.
- M. Signs as regulated by chapter 23 of this title.
- N. Solar energy systems as regulated by chapter 29 of this title.

#### 11-56-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RST-1 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.
- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Golf courses.
- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').
- E. Manufactured home parks, provided that:
  - 1. The minimum area required for a manufactured home park designation shall be twenty (20) acres.
  - 2. The following minimum lot requirements within the manufactured home park are:

Lot Area:
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Corner	24,000 square feet
Interior	20,000 square feet
Lot Width:	
Corner	120 feet
Interior	100 feet

3. The following principal structure setbacks are satisfactorily met:

Front yard	30 feet
Rear yard	30 feet
Side yard	15 feet on each side, or 30 feet on the side yard abutting a public right of way

4. Accessory buildings, uses and equipment comply with the applicable provisions of chapter 18 of this title.
5. Except as provided in chapter 17 of this title, the total ground floor area of all residential buildings shall not exceed a lot coverage of thirty percent (30%).
6. All residences are limited to a maximum height of one story.
7. The public improvements within manufactured home parks are developed in accordance with title 10 of the city code, which include:
- a. Public utilities (telephone, cable, electric and/or gas service).
  - b. Sanitary sewer improvements.
  - c. Street and storm sewer improvements.
  - d. Water improvements.
8. Except as specifically regulated by this section, the provisions of sections 11-55-13 through 11-55-19 of this title are considered and satisfactorily met.
- F. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.

- G. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.
- H. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

11-56-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the RST-1 district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

11-56-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an RST-1 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Model homes as regulated by chapter 27 of this title.
- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.
- D. Temporary structures as regulated by chapter 28 of this title.
- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

11-56-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RST-1 district subject to additional requirements, exceptions and modifications set forth in this title:

	Single-Family	Two-Family
Lot area:		
Corner	10,200 square feet	15,000 square feet
Interior	8,400 square feet	15,000 square feet
Lot width:		
Corner	85 feet	100 feet
Interior	70 feet	100 feet
Setbacks:		
Front yards	20 feet to the principal building; and, 25 feet to the face of the garage.	30 feet
Rear yards	30 feet	30 feet
Side yards	7 feet on each side, or 20 feet on the side yard abutting a public right of way	10 feet on each side, or 20 feet on the side yard abutting a public right of way

Buffer yard: Refer to subsection 11-21-9C of this title.

11-56-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RST-1 district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 102.** Title 11, Chapter 57 of the City Code is hereby amended to read as follows:

## CHAPTER 57

### RST-2, SINGLE- AND TWO-FAMILY TRANSITION DISTRICT

#### SECTION:

11-57--1: Purpose  
11-57--3: Permitted Uses  
11-57--5: Permitted Accessory Uses  
11-57--7: Conditional Uses  
11-57--9: Interim Uses  
11-57-11: Uses By Administrative Permit  
11-57-13: Development Density  
11-57-15: Lot Requirements And Setbacks  
11-57-17: Common Areas  
11-57-19: Two-Family And Detached Townhome Design And  
Construction Standards  
11-57-21: Building Height  
11-57-23: Affordable Housing

#### 11-57-1: PURPOSE:

The purpose of the RST-2 district is to provide for a transition in housing density and styles between low density traditional single-family areas and medium density housing areas, in a manner which satisfies the following objectives:

- A. Creation of cohesive low to medium density neighborhoods that provide attractive living environments and contribute to the city's identity.
- B. Provide attractive and durable low and medium density housing options as a means of addressing the city's life cycle housing needs.
- C. Preservation of natural land farms, open spaces, and greenways for scenic enjoyment and recreational use through the regulation of medium density residential land use.

#### 11-57-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RST-2 district:

- A. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- B. Residential facility serving six (6) or fewer persons in a single-family detached dwelling.



- C. Single-family detached dwellings.
- D. Townhomes, detached only, subject to the provisions of subsection 11-57-17.B of this chapter.
- E. Two-family dwelling units subject to the provisions of subsection 11-57-17.B of this chapter.

11-57-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an RST-2 district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Section, subject to applicable regulation of this title and—only those accessory buildings, structures, or fences owned and maintained by a homeowners' association shall be erected on a common base lot for detached townhouse or two-family dwellings.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per single family detached dwelling.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by Chapter 21 of this Title; For detached townhome unit lots of record or preliminary platted prior to April 5, 2004, fences may be erected on an individual unit lot subject to the following standards:
  - 1. The unit lot has a minimum width of sixty feet (60') and minimum area of seven thousand five hundred (7,500) square feet.
  - 2. The fence shall only be constructed of steel or coated steel chain link, plastic, vinyl or other maintenance free material approved by the zoning administrator.
  - 3. No fence may exceed a height of six feet (6').
  - 4. If the fence, or a combination of the fence and other structures, fully encloses any portion of the unit lot, a gate shall be provided such that the yard is accessible within the area of the unit lot, but outside

any access internal to the principal building, for maintenance access.

5. The fence shall comply with the provisions of section 11-21-5 of the zoning ordinance.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.
- L. Secondary or accessory use antennas as regulated by chapter 30 of this title.
- M. Signs as regulated by chapter 23 of this title.
- N. Solar energy systems as regulated by chapter 29 of this title.

#### 11-57-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RST-2 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.

- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Golf courses.
- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').
- E. Manufactured home parks, provided that:
  - 1. The minimum area required for a manufactured home park designation shall be twenty (20) acres.
  - 2. The following minimum lot requirements within the manufactured home park are:

Lot Area:	
Corner	24,000 square feet
Interior	20,000 square feet
Lot Width:	
Corner	120 feet
Interior	100 feet

- 3. The following principal structure setbacks are satisfactorily met:

Front yard	30 feet
Rear yard	30 feet
Side yard	15 feet on each side, or 30 feet on the side yard abutting a public right of way

- 4. Accessory buildings, uses and equipment comply with the applicable provisions of chapter 18 of this title.
- 5. Except as provided in chapter 17 of this title, the total ground floor area of all residential buildings

shall not exceed a lot coverage of thirty percent (30%).

6. All residences are limited to a maximum height of one story.
  7. The public improvements within manufactured home parks are developed in accordance with title 10 of the city code, which include:
    - a. Public utilities (telephone, cable, electric and/or gas service).
    - b. Sanitary sewer improvements.
    - c. Street and storm sewer improvements.
    - d. Water improvements.
  8. Except as specifically regulated by this section, the provisions of sections 11-55-13 through 11-55-19 of this title are considered and satisfactorily met.
- F. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- G. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.
- H. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

#### 11-57-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the RST-2 district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

11-57-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an RST-2 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Model homes as regulated by chapter 27 of this title.
- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.
- D. Temporary structures as regulated by chapter 28 of this title.
- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

11-57-13: DEVELOPMENT DENSITY:

- A. The maximum development density within an RST-2 district will be based on the net buildable area for either a single-family detached townhome or a two-family dwelling, or a condominium subdivision exclusive of public street rights of way, wetlands, major drainageways as defined by the water resources management plan, water bodies and slopes steeper than three to one (3:1) slope ratio.
- B. The RST-2 zoning district allows for a variety of residential housing types. The maximum development density shall be determined by the following lot area per unit standards:
  - 1. Single-family dwellings: As provided for in subsection 11-57-15A of this chapter.
  - 2. Detached townhome dwellings: Seven thousand five hundred (7,500) square feet per unit.
  - 3. Two-family dwellings: Seven thousand five hundred (7,500) square feet per unit.

11-57-15: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RST-2 district subject to additional requirements, exceptions and modifications set forth in this title:

A. Single-family detached dwellings:

Lot area:	
Corner	10,200 square feet
Interior	8,400 square feet
Lot width:	
Corner	85 feet
Interior	70 feet
Setbacks:	
Front yards	20 feet to the principal building; and, 25 feet to the face of the garage.
Rear yards	30 feet
Side yards	7 feet from the adjacent lot, or 20 feet on the side yard abutting a public right of way
Maximum Building Coverage	40%

Buffer yard: Refer to subsection 11-21-9C1 of this title.

B. Detached townhome and two-family dwellings:

1. Unit Lots: The following minimum unit lot requirements shall be applied to the subdivision of detached townhome and two-family dwellings to permit individual private ownership of a single dwelling within such a structure:
  - a. Lot area: Detached townhome and twinhome unit lots shall have sufficient lot area to include the living area, garages, decks, patios, or porches of the individual dwelling units.
2. Base Lot Setbacks:
  - a. A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.

3. Building Setbacks: The following minimum internal setbacks shall be imposed on detached townhome and twinhome developments that include more than one principal structure on a base lot:
  - a. Setback between buildings within the same base lot preliminary platted after April 5, 2004, shall maintain a minimum separation of twenty feet (20').
  - b. Buildings shall be set back a minimum of thirty feet (30') from public rights of way.
  - c. A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.
4. Buffer Yard: Refer to subsection 11-21-9C of this title.

11-57-17: COMMON AREAS:

The following minimum requirements shall be observed in the RST-2 district:

- A. Ownership: All common areas within an RST-2 development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners:
  1. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
  2. Detached townhome and two-family subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
- B. Homeowners' Association: A homeowners' association shall be established for all two-family and detached townhome developments within the RST-2 district, subject to review and approval of the city attorney, and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development.

11-57-19: TWO-FAMILY AND DETACHED TOWNHOME DESIGN AND CONSTRUCTION STANDARDS:

- A. Unit Sizes: The size of dwelling units shall comply with the minimums established in section 11-17-13 of this title.
- B. Unit Width: The minimum width of a dwelling unit within the RST-2 district shall be twenty five feet (25').
- C. Unit Construction:
  - 1. Subdivision Requests: Building elevations and floor plans shall be furnished with subdivision requests illustrating exterior building materials and colors to demonstrate compliance with chapter 17 of this title. Building floor plans shall identify the interior storage space within each unit.
  - 2. Decks Or Porches: Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.
  - 3. Minimum Overhang: In case of a gable roof, a minimum twelve inch (12") soffit shall be required.
  - 4. Exterior Building Finish, Detached Townhome Dwelling And Two-Family Dwelling Units: The exterior of detached townhome and two-family dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, detached townhome and two-family dwelling structures shall comply with the following requirements:
    - a. A minimum of twenty five percent (25%) of the area of each building facade of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
    - b. Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than seventy five percent (75%) of one type of exterior finish.
    - c. Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than sixty percent (60%) of all building facades of one type of exterior finish.
    - d. For the purpose of this section:
      - (1) The area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.



- (2) Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.
- (3) Integral colored split face (rock face) concrete block or cement fiber board shall not qualify for meeting the brick, stucco and/or natural or artificial stone material requirements for any façade of a building facing a private drive or public right-of-way. If these materials are used to meet the brick, stucco and/or natural or artificial stone material requirement for the other facades, the material shall extend the full width of the foundation adjacent at ground level.

D. Garages:

1. Each dwelling unit shall include an attached garage.
2. Garages shall comply with the following minimum size standards:
  - a. For dwellings with basements: Four hundred forty (440) square feet.
  - b. For dwellings without basements: Five hundred forty (540) square feet.
  - c. Garages shall be a minimum of twenty feet (20') in width.

E. Storm Shelter: In cases where dwelling units are constructed slab on grade, provisions shall be made to provide for storm protection as required by section 11-17-27 of this title.

F. Outside Storage: Outside storage shall be allowed only in designated areas which are screened in accordance with chapter 21 of this title and under the ownership of the property owners' association subject to other applicable provisions of this title.

G. Utilities:

1. Underground: All utilities serving an RST-2 district subdivision, including telephone, electricity, gas and telecable shall be installed underground.
2. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.

3. Water Connection: Individual unit shutoff valves shall be provided.
  4. Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the property owners' association or owners.
- H. Streets: All streets shall be public and shall comply with design standards and specifications as governed by title 10 of the city code.
- I. Landscaping/Screening/Lighting: A detailed landscaping and lighting plan shall be provided and implemented pursuant to section 11-16-17 and chapter 21 of this title. Said landscaping and screening shall address the following:
1. All open areas of the development project which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers and ground cover materials. The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, foundations, decorative walks or other similar site design features or materials in a quantity having a minimum value in conformance with the following table:

Project Value Including Building Construction, Site Preparation, And Site Improvements	Minimum Landscape Value
Below \$1,000,000.00	2 percent
\$1,000,001.00 - \$2,000,000.00	\$20,000.00 plus 1 percent of project value in excess of \$1,000,000.00
\$2,000,001.00 - \$3,000,000.00	\$30,000.00 plus 0.75 percent of project value in excess of \$2,000,000.00
\$3,000,001.00 - \$4,000,000.00	\$37,500.00 plus 0.25 percent of project value in excess of \$3,000,000.00
Over \$4,000,000.00	1 percent

2. Landscaping at the boundary of the site adjoining another property and the immediate perimeter of the principal structure.
3. Buffer yard landscaping for yards bordering major collector and arterial streets.
4. All boulevards shall be sodded.
5. Screening of designated outdoor storage areas.
6. All landscaped areas, including on site traffic islands and all public rights of way adjacent to the property (where access is allowed by the governmental jurisdiction), shall have an in ground irrigation system with an automatic controller.

11-57-21: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RST-2 district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

11-57-23: AFFORDABLE HOUSING:

Housing meeting the metropolitan council's livable communities criteria for affordability may be exempted from subsections 11-57-19C, D, and I of this chapter by administrative permit, provided guarantees satisfactory to the city are in place to ensure that "for sale" housing will meet the requirement for initial sales and "for rent" housing will meet the requirement for the initial ten (10) year rental period.

**Section 103.** Title 11, Chapter 58 of the City Code is hereby amended to read as follows:

CHAPTER 58

RM-1, MEDIUM-DENSITY RESIDENTIAL DISTRICT

SECTION:

11-58--1: Purpose

11-58--3: Processing  
11-58--5: Permitted Uses  
11-58--7: Permitted Accessory Uses  
11-58--9: Conditional Uses  
11-58-11: Interim Uses  
11-58-13: Uses By Administrative Permit  
11-58-15: Development Density  
11-58-17: Lot Requirements And Setbacks  
11-58-19: Common Areas  
11-58-21: Design And Construction Standards  
11-58-23: Building Height  
11-58-25: Transition Requirement  
11-58-27: Affordable Housing

11-58-1: PURPOSE:

The purpose of the RM-1 district is to establish a medium density residential neighborhood which satisfies the following planning objectives:

- A. Creation of a cohesive medium density neighborhood that provides attractive living environments and contributes to the city's identity.
- B. Provide attractive and durable medium density housing options as a means of addressing the city's life cycle housing needs.
- C. Preservation of natural land forms, open spaces, greenways for scenic enjoyment and recreational use through the regulation of medium density residential land use.
- D. Allows for the subdivision of two-family and townhome base lots to permit individual private ownership of a single dwelling within such a structure.

11-58-3: PROCESSING:

Full compliance with this chapter, other applicable provisions of this title, and title 10 of the city code provides an alternative to the processing of a planned unit development for lots with more than one principal structure and/or use. Subdivision and administrative review requirements, as applicable, shall however remain in full force and effect.

11-58-5: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in the RM-1 district:

- A. More than one principal building on a base lot.
- B. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- C. Residential dwellings as required by section 11-58-~~23~~25 of this chapter.
- D. Residential facilities serving sixteen (16) or fewer persons.
- E. Single family detached dwelling units.
- F. Townhomes, detached.
- G. Townhomes with no more than six (6) dwelling units per structure and no more than two (2) common walls per dwelling unit.
- H. Two family dwelling units.

11-58-7: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in the RM-1 district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this section, subject to applicable regulation of this title and only those accessory buildings, structures, or fences owned and maintained by a homeowners' association shall be erected on a common base lot for detached townhouse or two-family dwellings.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per single family detached dwelling.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.

- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.
- L. Secondary or accessory use antennas as regulated by chapter 30 of this title.
- M. Signs as regulated by chapter 23 of this title.
- N. Solar energy systems as regulated by chapter 29 of this title.

#### 11-58-9: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RM-1 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.
- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Golf courses.
- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious

institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').

E. Manufactured home parks, provided that:

1. The minimum area required for a manufactured home park designation shall be twenty (20) acres.
2. The following minimum lot requirements within the manufactured home park are:

Lot Area:	
Corner	24,000 square feet
Interior	20,000 square feet
Lot Width:	
Corner	120 feet
Interior	100 feet

3. The following principal structure setbacks are satisfactorily met:

Front yard	30 feet
Rear yard	30 feet
Side yard	15 feet on each side, or 30 feet on the side yard abutting a public right of way

4. Accessory buildings, uses and equipment comply with the applicable provisions of chapter 18 of this title.
5. Except as provided in chapter 17 of this title, the total ground floor area of all residential buildings shall not exceed a lot coverage of thirty percent (30%).
6. All residences are limited to a maximum height of one story.
7. The public improvements within manufactured home parks are developed in accordance with title 10 of the city code, which include:

- a. Public utilities (telephone, cable, electric and/or gas service).
  - b. Sanitary sewer improvements.
  - c. Street and storm sewer improvements.
  - d. Water improvements.
- 8. Except as specifically regulated by this section, the provisions of sections 11-55-13 through 11-55-19 of this title are considered and satisfactorily met.
- F. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- G. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.
- H. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

#### 11-58-11: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the RM-1 district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

#### 11-58-13: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this chapter, performance standards established by this title, and processing requirements of chapter 8 of this title, the following are uses allowed in an RM-1 district by administrative permit:



- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Model homes as regulated by chapter 27 of this title.
- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.
- D. Temporary structures as regulated by chapter 28 of this title.
- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

11-58-15: DEVELOPMENT DENSITY:

- A. The maximum development density within an RM-1 district will be based on the net buildable area for either a two-family dwelling, townhome, or a condominium subdivision exclusive of public street rights of way, wetlands, major drainageways as defined by the water resources management plan, water bodies and slopes steeper than three to one (3:1) slope ratio.
- B. The RM-1 zoning district allows for a variety of residential housing types. The maximum development density shall be determined by the following lot area per unit standards:
  - 1. Two-family dwellings and townhomes: Five thousand (5,000) square feet per unit.

11-58-17: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RM-1 district subject to additional requirements, exceptions and modifications set forth in this title:

- A. Single-family detached dwellings:

Lot area:	
Corner	10,800 square feet
Interior	8,400 square feet
Lot width:	
Corner	85 feet
Interior	70 feet

Setbacks:	
Front yards	20 feet to the principal building; and, 25 feet to the garage face
Rear yards	30 feet
Side yards	7 feet from the adjacent lot, or 20 feet on the side yard abutting a public right of way
Maximum Building Coverage:	40 percent

Buffer yard requirements as applicable to the RS-4 district shall apply to single-family lots within the RM-1 district.

A. Two-family and townhome dwellings:

1. Unit Lots: The following minimum unit lot requirements shall be applied to the subdivision of two-family dwellings or townhomes to permit individual private ownership of a single dwelling within such a structure:
  - a. Lot area: Two-family or townhome unit lots shall have sufficient lot area to include the living area, garages, decks, patios or porches of the individual dwelling units.
2. Base Lot Setbacks:
  - a. A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.
3. Building Setbacks: The following minimum internal setbacks shall be imposed on medium density developments that include more than one principal structure on a base lot:
  - a. Setback between buildings within the same base lot preliminary platted after April 5, 2004, shall maintain a minimum separation of twenty five feet (25').
  - b. Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives, 20 feet from public rights of way except

that the garage face shall be setback 25 feet from public rights of way, and fifteen feet (15') from guest parking areas.

- c. A protective natural buffer and setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.
- 5. Buffer Yard: The additional screening and lot requirements of subsection 11-21-9C of this title shall apply.

#### 11-58-19: COMMON AREAS:

The following minimum requirements shall be observed in the RM-1 district governing common areas:

- A. Ownership: All common areas within an RM-1 development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners:
  - 1. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
  - 2. Two-family and townhome subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
- B. Homeowners' Association: A homeowners' association shall be established for two-family and townhome developments within the RM-1 district, subject to review and approval of the city attorney, and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development.

#### 11-58-21: DESIGN AND CONSTRUCTION STANDARDS:

- A. Unit Size: The size of dwelling units shall comply with the minimums established in section 11-17-13 of this title.
- B. Unit Width: The minimum width of a dwelling unit within the RM-1 district shall be twenty five feet (25').
- C. Unit Construction:
  - 1. Subdivision Requests: Building elevations and floor plans shall be furnished with subdivision requests

illustrating exterior building material and colors to demonstrate compliance with chapter 17 of this title. Building floor plans shall identify the interior storage space within each unit.

2. Decks Or Porches: Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.
3. Minimum Overhang: In case of a gable roof, a minimum twelve inch (12") soffit shall be required.
4. Exterior Building Finish: The exterior of two-family and townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, townhome dwelling structures shall comply with the following requirements:
  - a. A minimum of twenty five percent (25%) of the area of each building facade of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
  - b. Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than seventy five percent (75%) of one type of exterior finish.
  - c. Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than sixty percent (60%) of all building facades of one type of exterior finish.
  - d. For the purpose of this section:
    - (1) The area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.
    - (2) Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.
    - (3) Integral colored split face (rock face) concrete block or cement fiber board shall not qualify for meeting the brick, stucco and/or natural or artificial stone material requirements for any façade of a building facing a private drive or public right-of-

way. If these materials are used to meet the brick, stucco and/or natural or artificial stone material requirement for the other facades, the material shall extend the full width of the foundation adjacent at ground level.

D. Garages:

1. Each dwelling unit shall include an attached garage.
2. Garages shall comply with the following minimum size standards:
  - a. For dwellings with basements: Four hundred forty (440) square feet.
  - b. For dwellings without basements: Five hundred forty (540) square feet.
  - c. Garages shall be a minimum of twenty feet (20') in width.

E. Storm Shelter: In cases where dwelling units are constructed slab on grade, provisions shall be made to provide for storm protection as required by section 11-17-27 of this title.

F. Outside Storage: Outside storage shall be allowed only in designated areas which are screened in accordance with chapter 21 of this title and under the ownership of the property owners' association subject to other applicable provisions of this title.

G. Utilities:

1. Underground Or Exterior Service: All utilities serving an RM-1 district subdivision, including telephone, electricity, gas and telecable shall be installed underground. Exterior utility meters and/or fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
2. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.
3. Water Connection: Individual unit shutoff valves shall be provided.
4. Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the property owners' association or owners.

- H. Streets: All streets shall be public and shall comply with the design standards and specifications as governed by title 10 of the city code, except that the required right of way width may be reduced to fifty feet (50') and the required street width reduced to twenty eight feet (28') (back of curb to back of curb) by conditional use permit.
- I. Drives:
1. Dead end private driveways shall serve a maximum of one (1) structure~~s~~ or six (6) units per side.
  2. Private drives shall be under the ownership and control of the property owners' association who shall be responsible for the maintenance, repair, and replacement of surfacing. Said association shall maintain a capital improvement program for the driveways under its ownership.
  3. Private drives must include plans and areas for snow storage.
  4. Private driveways shall be a minimum of twenty four feet (24') in width (back of curb to back of curb) and shall be posted as no parking zones on both sides of the driveway.
- J. Guest Parking: At minimum, one-half ( $\frac{1}{2}$ ) of guest parking spaces per unit shall be provided in an off street parking lot or private drive at locations dispersed within the development to provide convenient access to individual dwelling units. The design and location of the off street parking shall be between or to the side of buildings in a manner compatible with surrounding dwelling units, including (but not limited to) a minimum fifteen foot (15') setback from principal buildings, decks, patios or other open spaces intended for active use. Guest parking areas shall be screened in conformance with the requirements of chapters 19 and 21 of this title.
- K. Landscaping/Screening/Lighting: A detailed landscaping and lighting plan shall be provided and implemented pursuant to section 11-16-17 and chapter 21 of this title. Said landscaping and screening shall address the following:
1. All open areas of the development project which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers and ground cover materials. The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, foundations, decorative walks or other similar site design features or materials in a quantity

having a minimum value in conformance with the following table:

Project Value Including Building Construction, Site Preparation, And Site Improvements	Minimum Landscape Value
Below \$1,000,000.00	2 percent
\$1,000,001.00-\$2,000,000.00	\$20,000.00 plus 1 percent of project value in excess of \$1,000,000.00
\$2,000,001.00-\$3,000,000.00	\$30,000.00 plus 0.75 percent of project value in excess of \$2,000,000.00
\$3,000,001.00-\$4,000,000.00	\$37,500.00 plus 0.25 percent of project value in excess of \$3,000,000.00
Over \$4,000,000.00	1 percent

2. Landscaping at the boundary of the site adjoining another property and the immediate perimeter of the principal structure.
  3. Buffer yard landscaping for yards bordering major collector and arterial streets.
  4. Screening of guest parking areas.
  5. All boulevards shall be sodded.
  6. Screening of designated outdoor storage areas.
  7. All landscaped areas, including on site traffic islands and all public rights of way adjacent to the property (where access is allowed by the governmental jurisdiction), shall have an in ground irrigation system with an automatic controller.
- L. Additional Requirements: In addition to the park dedication requirements stipulated by title 10 of the city code, a minimum of ten percent (10%) of the gross development project area shall be in usable open space and recreational use for the project residents. Such areas shall be specifically designed for both the active and passive use by

the project residents and may include swimming pools, trails, nature areas, tot lots, exercise equipment, saunas, etc. Said areas and facilities shall be private, except in those cases where the city agrees to assume responsibility for all or a portion of the recreational space. In those cases where private ownership is maintained, the land and facilities shall be subject to the requirement of common areas as detailed in section 11-58-19 of this chapter.

11-58-23: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RM-1 district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

11-58-25: TRANSITION REQUIREMENT:

Any RM-1 zoned property abutting an RS-1, RS-2, RS-3, RS-4, RS-CBD district shall have a minimum of one tier of single-family detached, two-family dwelling lots, or detached townhomes bordering such a district and shall be subject to the lot and design standards of the RST-2 district. Exemptions to the provisions of this section may be granted at the time of preliminary plat approval, provided one or more of the following conditions exist:

- A. The properties are separated by a major collector or arterial street.
- B. The abutting land use is a nonresidential use allowed in the district in which it is located.
- C. The properties are separated by a railroad right of way, wetland, water body, floodplain, public open space, park or other such similar publicly reserved and development restricted area with a minimum width of one hundred feet (100') across its entire length.
- D. The properties are separated by a buffer yard subject to the following provisions:
  - 1. The buffer yard shall be a minimum width of twenty feet (20') across its entire length for properties separated by a minor collector or local street right of way. The buffer yard separation between properties not divided



by a minor collector or local street right of way shall be sixty feet (60').

2. The buffer yard is installed in accordance with requirements for a buffer yard providing a minimum ten foot (10') screening height, subject to subsection 11-21-9C of this title.
  3. There shall be no direct unit access from the RM-1 district use through the buffer yard to any minor collector or local street separating the properties.
- E. The requirements of this section shall not apply to any RM-1 zoned property abutting an RS-1, RS-2, RS-3, RS-4, RS-CBD district within the same preliminary plat.

#### 11-58-27: AFFORDABLE HOUSING:

Housing meeting the metropolitan council's livable communities criteria for affordability may be exempted from subsections 11-58-21C, D, K, and L of this chapter by administrative permit, provided guarantees satisfactory to the city are in place to ensure that "for sale" housing will meet the requirement for initial sales and "for rent" housing will meet the requirement for the initial ten (10) year rental period.

**Section 104.** Title 11, Chapter 59 of the City Code is hereby amended to read as follows:

#### CHAPTER 59

#### RM-2, MEDIUM-DENSITY RESIDENTIAL DISTRICT

#### SECTION:

- 11-59--1: Purpose
- 11-59--3: Processing
- 11-59--5: Permitted Uses
- 11-59--7: Permitted Accessory Uses
- 11-59--9: Conditional Uses
- 11-59-11: Interim Uses
- 11-59-13: Uses By Administrative Permit
- 11-59-15: Development Density
- 11-59-17: Lot Requirements And Setbacks
- 11-59-19: Common Areas
- 11-59-21: Design And Construction Standards
- 11-59-23: Building Height
- 11-59-25: Transition Requirement
- 11-59-27: Affordable Housing

11-59-1: PURPOSE:

The purpose of the RM-2 district is to establish a medium density residential neighborhood which satisfies the following planning objectives:

- A. Creation of a cohesive medium density neighborhood that provides attractive living environments and contributes to the city's identity.
- B. Provide attractive and durable medium density housing options as a means of addressing the city's life cycle housing needs.
- C. Preservation of natural land forms, open spaces, greenways for scenic enjoyment and recreational use through the regulation of medium density residential land use.
- D. Allows for the subdivision of two-family and townhome base lots to permit individual private ownership of a single dwelling within such a structure.

11-59-3: PROCESSING:

Full compliance with this chapter, other applicable provisions of this title, and title 10 of the city code provides an alternative to the processing of a planned unit development for lots with more than one principal structure and/or use. Subdivision and administrative review requirements, as applicable, shall however remain in full force and effect.

11-59-5: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in the RM-2 district:

- A. More than one principal building on a base lot.
- B. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- C. Residential dwellings as required by section 11-58-25 of this chapter.
- D. Residential facilities serving sixteen (16) or fewer persons.
- E. Townhomes, detached.

- F. Townhomes with no more than six (6) dwelling units per structure if in a row or no more than eight (8) dwelling units if back to back.
- G. Two family dwelling units.

11-58-7: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in the RM-2 district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Section, subject to applicable regulation of this Title and only those accessory buildings, structures, or fences owned and maintained by a homeowners' association shall be erected on a common base lot for detached townhouse or two-family dwellings.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per single family detached dwelling.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.

- L. Secondary or accessory use antennas as regulated by chapter 30 of this title.
- M. Signs as regulated by chapter 23 of this title.
- N. Solar energy systems as regulated by chapter 29 of this title.

11-59-9: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RM-2 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.
- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Golf courses.
- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').
- E. Manufactured home parks, provided that:
  - 1. The minimum area required for a manufactured home park designation shall be twenty (20) acres.
  - 2. The following minimum lot requirements within the manufactured home park are:

Lot Area:
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Corner	24,000 square feet
Interior	20,000 square feet
Lot Width:	
Corner	120 feet
Interior	100 feet

3. The following principal structure setbacks are satisfactorily met:

Front yard	30 feet
Rear yard	30 feet
Side yard	15 feet on each side, or 30 feet on the side yard abutting a public right of way

4. Accessory buildings, uses and equipment comply with the applicable provisions of chapter 18 of this title.
5. Except as provided in chapter 17 of this title, the total ground floor area of all residential buildings shall not exceed a lot coverage of thirty percent (30%).
6. All residences are limited to a maximum height of one story.
7. The public improvements within manufactured home parks are developed in accordance with title 10 of the city code, which include:
- a. Public utilities (telephone, cable, electric and/or gas service).
  - b. Sanitary sewer improvements.
  - c. Street and storm sewer improvements.
  - d. Water improvements.

8. Except as specifically regulated by this section, the provisions of sections 11-55-13 through 11-55-19 of this title are considered and satisfactorily met.
- F. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- G. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.
- H. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

#### 11-59-11: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the RM-2 district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

#### 11-58-13: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this chapter, performance standards established by this title, and processing requirements of chapter 8 of this title, the following are uses allowed in an RM-2 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Model homes as regulated by chapter 27 of this title.
- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.

- D. Temporary structures as regulated by chapter 28 of this title.
- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

11-59-15: DEVELOPMENT DENSITY:

- A. The maximum development density within an RM-2 district will be based on the net buildable area for either a two-family dwelling, townhome, or a condominium subdivision exclusive of public street rights of way, wetlands, major drainageways as defined by the water resources management plan, water bodies and slopes steeper than three to one (3:1) slope ratio.
- B. The RM-2 zoning district allows for a variety of residential housing types. The maximum development density shall be determined by the following lot area per unit standards:
  - 1. Two-family dwellings, three-family dwellings, four-family dwellings, townhomes: Five thousand (5,000) square feet per unit.

11-59-17: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RM-2 district subject to additional requirements, exceptions and modifications set forth in this title:

- A. Two-family and townhome dwellings:
  - 1. Unit Lots: The following minimum unit lot requirements shall be applied to the subdivision of two-family or townhomes dwellings to permit individual private ownership of a single dwelling within such a structure:
    - a. Lot area: Two-family or townhome unit lots shall have sufficient lot area to include the living area, garages, decks, patios or porches of the individual dwelling units.
  - 2. Base Lot Setbacks:
    - a. A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.
  - 3. Building Setbacks: The following minimum internal setbacks shall be imposed on medium density

developments that include more than one principal structure on a base lot:

- a. Setback between buildings within the same base lot shall maintain a minimum separation of twenty five feet (25').
  - b. Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives, 20 feet from public rights of way except that the garage face shall be setback 25 feet from public rights of way, and fifteen feet (15') from guest parking areas.
  - c. A protective natural buffer and setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.
4. Buffer Yard: The additional screening and lot requirements of subsection 11-21-9C of this title shall apply.

#### 11-59-19: COMMON AREAS:

The following minimum requirements shall be observed in the RM-2 district governing common areas:

- A. Ownership: All common areas within an RM-2 development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners:
  1. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
  2. Two-family and townhome subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
- B. Homeowners' Association: A homeowners' association shall be established for all two-family and townhome developments within the RM-2 district, subject to review and approval of the city attorney, and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development.

#### 11-58-21: DESIGN AND CONSTRUCTION STANDARDS:



- A. Unit Size: The size of dwelling units shall comply with the minimums established in section 11-17-13 of this title.
- B. Unit Width: The minimum width of a dwelling unit within the RM-2 district shall be twenty five feet (25').
- C. Unit Construction:
  - 1. Subdivision Requests: Building elevations and floor plans shall be furnished with subdivision requests illustrating exterior building material and colors to demonstrate compliance with chapter 17 of this title. Building floor plans shall identify the interior storage space within each unit.
  - 2. Decks Or Porches: Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.
  - 3. Minimum Overhang: In case of a gable roof, a minimum twelve inch (12") soffit shall be required.
  - 4. Exterior Building Finish: The exterior of townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, townhome dwelling structures shall comply with the following requirements:
    - a. A minimum of twenty five percent (25%) of the area of each building facade of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
    - b. Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than seventy five percent (75%) of one type of exterior finish.
    - c. Except for brick, stucco, and/or natural or artificial stone, no townhome dwelling structure shall have more than sixty percent (60%) of all building facades of one type of exterior finish.
    - d. For the purpose of this section:
      - (1) The area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

- (2) Variations in texture or style (i.e., lap siding versus shake shingle siding) shall be considered as different materials meeting the requirements of this section.
- (3) Integral colored split face (rock face) concrete block or cement fiber board shall not qualify for meeting the brick, stucco and/or natural or artificial stone material requirements for the front façade of a building facing a private drive or public right-of-way. If these materials are used to meet the brick, stucco and/or natural or artificial stone material requirement for the other facades, the material shall extend the full width of the foundation adjacent at ground level.

D. Garages:

1. Each dwelling unit shall include an attached garage.
2. Garages shall comply with the following minimum size standards:
  - a. For dwellings with basements: Four hundred forty (440) square feet.
  - b. For dwellings without basements: Five hundred forty (540) square feet.
  - c. Garages shall be a minimum of twenty feet (20') in width.

E. Storm Shelter: In cases where dwelling units are constructed slab on grade, provisions shall be made to provide for storm protection as required by section 11-17-27 of this title.

F. Outside Storage: Outside storage shall be allowed only in designated areas which are screened in accordance with chapter 21 of this title and under the ownership of the property owners' association subject to other applicable provisions of this title.

G. Utilities:

1. Underground Or Exterior Service: All utilities serving an RM-2 district subdivision, including telephone, electricity, gas and telecable shall be installed underground. Exterior utility meters and/or fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.

2. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.
  3. Water Connection: Individual unit shutoff valves shall be provided.
  4. Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the property owners' association or owners.
- H. Streets: All streets shall be public and shall comply with the design standards and specifications as governed by title 10 of the city code, except that the required right of way width may be reduced to fifty feet (50') and the required street width reduced to twenty eight feet (28') (back of curb to back of curb) by conditional use permit.
- I. Drives:
1. Dead end private driveways shall serve a maximum of one (1) structure or six (6) units per side.
  2. Private drives shall be under the ownership and control of the property owners' association who shall be responsible for the maintenance, repair, and replacement of surfacing. Said association shall maintain a capital improvement program for the driveways under its ownership.
  3. Private drives must include plans and areas for snow storage.
  4. Private driveways shall be a minimum of twenty four feet (24') in width (back of curb to back of curb) and shall be posted as no parking zones on both sides of the driveway.
- J. Guest Parking: At minimum, one-half ( $\frac{1}{2}$ ) of guest parking spaces per unit shall be provided in an off street parking lot or private drive at locations dispersed within the development to provide convenient access to individual dwelling units. The design and location of the off street parking shall be between or to the side of buildings in a manner compatible with surrounding dwelling units, including (but not limited to) a minimum fifteen foot (15') setback from principal buildings, decks, patios or other open spaces intended for active use. Guest parking areas shall be screened in conformance with the requirements of chapters 19 and 21 of this title.
- K. Landscaping/Screening/Lighting: A detailed landscaping and lighting plan shall be provided and implemented pursuant to

section 11-16-17 and chapter 21 of this title. Said landscaping and screening shall address the following:

1. All open areas of the development project which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers and ground cover materials. The plan for landscaping shall include ground cover, bushes, shrubbery, trees, sculpture, foundations, decorative walks or other similar site design features or materials in a quantity having a minimum value in conformance with the following table:

Project Value Including Building Construction, Site Preparation, And Site Improvements	Minimum Landscape Value
Below \$1,000,000.00	2 percent
\$1,000,001.00-\$2,000,000.00	\$20,000.00 plus 1 percent of project value in excess of \$1,000,000.00
\$2,000,001.00-\$3,000,000.00	\$30,000.00 plus 0.75 percent of project value in excess of \$2,000,000.00
\$3,000,001.00-\$4,000,000.00	\$37,500.00 plus 0.25 percent of project value in excess of \$3,000,000.00
Over \$4,000,000.00	1 percent

2. Landscaping at the boundary of the site adjoining another property and the immediate perimeter of the principal structure.
3. Buffer yard landscaping for yards bordering major collector and arterial streets.
4. Screening of guest parking areas.
5. All boulevards shall be sodded.
6. Screening of designated outdoor storage areas.
7. All landscaped areas, including on site traffic islands and all public rights of way adjacent to the property

(where access is allowed by the governmental jurisdiction), shall have an in ground irrigation system with an automatic controller.

- L. Additional Requirements: In addition to the park dedication requirements stipulated by title 10 of the city code, a minimum of ten percent (10%) of the gross development project area shall be in usable open space and recreational use for the project residents. Such areas shall be specifically designed for both the active and passive use by the project residents and may include swimming pools, trails, nature areas, tot lots, exercise equipment, saunas, etc. Said areas and facilities shall be private, except in those cases where the city agrees to assume responsibility for all or a portion of the recreational space. In those cases where private ownership is maintained, the land and facilities shall be subject to the requirement of common areas as detailed in section 11-59-19 of this chapter.

#### 11-59-23: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RM-2 District shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

#### 11-59-25: TRANSITION REQUIREMENT:

Any RM-2 zoned property abutting an RS-1, RS-2, RS-3, RS-4, RS-CBD district shall have a minimum of one tier of single-family detached, two-family dwelling lots, or detached townhomes bordering such a district and shall be subject to the lot and design standards of the RST-2 district. Exemptions to the provisions of this section may be granted at the time of preliminary plat approval, provided one or more of the following conditions exist:

- A. The properties are separated by a major collector or arterial street.
- B. The abutting land use is a nonresidential use allowed in the district in which it is located.
- C. The properties are separated by a railroad right of way, wetland, water body, floodplain, public open space, park or other such similar publicly reserved and development

restricted area with a minimum width of one hundred feet (100') across its entire length.

- D. The properties are separated by a buffer yard subject to the following provisions:
1. The buffer yard shall be a minimum width of twenty feet (20') across its entire length for properties separated by a minor collector or local street right of way. The buffer yard separation between properties not divided by a minor collector or local street right of way shall be sixty feet (60').
  2. The buffer yard is installed in accordance with requirements for a buffer yard providing a minimum ten foot (10') screening height, subject to subsection 11-21-9C of this title.
  3. There shall be no direct unit access from the RM-2 district use through the buffer yard to any minor collector or local street separating the properties.
- E. The requirements of this section shall not apply to any RM-2 zoned property abutting an RS-1, RS-2, RS-3, RS-4, RS-CBD district within the same preliminary plat.

#### 11-59-27: AFFORDABLE HOUSING:

Housing meeting the metropolitan council's livable communities criteria for affordability may be exempted from subsections 11-59-21C, D, K, and L of this chapter by administrative permit, provided guarantees satisfactory to the city are in place to ensure that "for sale" housing will meet the requirement for initial sales and "for rent" housing will meet the requirement for the initial ten (10) year rental period.

**Section 105.** Title 11, Chapter 61 of the City Code is hereby amended to read as follows:

#### CHAPTER 61

#### RH-1, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

#### SECTION:

- 11-61--1: Purpose
- 11-61--3: Permitted Uses
- 11-61--5: Permitted Accessory Uses
- 11-61--7: Conditional Uses
- 11-61--9: Interim Uses
- 11-61-11: Uses By Administrative Permit

11-61-13: Development Density  
11-61-15: Lot Requirements And Setbacks  
11-61-17: Common Areas  
11-61-19: Design And Construction Standards  
11-61-21: Building Height  
11-61-23: Transition Requirement  
11-61-25: Affordable Housing

11-61-1: PURPOSE:

The purpose of the RH-1 district is to provide for high density housing in multiple-family structures and directly related complementary uses.

11-61-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RH-1 district:

- A. Multiple-family dwelling structures.
- B. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- C. Residential dwellings as required by section 11-61-~~21~~23 of this chapter.
- D. Residential facilities serving sixteen (16) or fewer persons.
- E. Senior assisted or continuing care retirement community.
- F. Townhouses, six (6) units in a row or twelve (12) units back to back.
- G. Two family dwelling units.

11-61-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an RH-1 district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Section, subject to applicable regulation of this title and, only those accessory buildings, structures, or fences owned and maintained by a homeowners' association shall be erected on a common base lot for detached townhouse or two-family dwellings.

- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per single family detached dwelling.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.
- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.
- L. Secondary or accessory use antennas as regulated by chapter 30 of this title.
- M. Signs as regulated by chapter 23 of this title.
- N. Solar energy systems as regulated by chapter 29 of this title.

#### 11-61-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RH-1 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.



- A. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.
- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Golf courses.
- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that required for the district, but no greater than thirty feet (30').
- E. Manufactured home parks, provided that:
  - 1. The minimum area required for a manufactured home park designation shall be twenty (20) acres.
  - 2. The following minimum lot requirements within the manufactured home park are:

Lot Area:	
Corner	24,000 square feet
Interior	20,000 square feet
Lot Width:	
Corner	120 feet
Interior	100 feet

- 3. The following principal structure setbacks are satisfactorily met:

Front yard	30 feet
Rear yard	30 feet
Side yard	15 feet on each side, or 30 feet on the side yard

	abutting a public right of way
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4. Accessory buildings, uses and equipment comply with the applicable provisions of chapter 18 of this title.
  5. Except as provided in chapter 17 of this title, the total ground floor area of all residential buildings shall not exceed a lot coverage of thirty percent (30%).
  6. All residences are limited to a maximum height of one story.
  7. The public improvements within manufactured home parks are developed in accordance with title 10 of the city code, which include:
    - a. Public utilities (telephone, cable, electric and/or gas service).
    - b. Sanitary sewer improvements.
    - c. Street and storm sewer improvements.
    - d. Water improvements.
  8. Except as specifically regulated by this section, the provisions of sections 11-55-13 through 11-55-19 of this title are considered and satisfactorily met.
- F. More than one principal residential building on one lot of record, provided that:
1. The applicable provisions of section 11-61-17 of this chapter are satisfactorily met.
- G. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- H. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.
- I. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

#### 11-61-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title,

the following are interim uses in the RH-1 district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

#### 11-61-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an RH-1 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Model homes as regulated by chapter 27 of this title.
- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.
- D. Temporary structures as regulated by chapter 28 of this title.
- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

#### 11-61-13: DEVELOPMENT DENSITY:

- A. The maximum development density within an RH-1 district will be based on the net buildable area for either a two-family dwelling, townhome, or a condominium subdivision exclusive of public street rights of way, wetlands, major drainageways as defined by the water resources management plan, water bodies and slopes steeper than three to one (3:1) slope ratio.
- B. The RH-1 district allows for a variety of residential housing types. The maximum development density shall be determined by the following lot area per unit standards:

1. Two-family dwellings and townhomes: Five thousand (5,000) square feet per unit.
2. Multiple-family dwellings: Two thousand five hundred (2,500) square feet per unit.
3. Senior assisted living or continuing care retirement communities: One thousand five hundred (1,500) square feet per unit.

11-61-15: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RH-1 district subject to additional requirements, exceptions and modifications set forth in this title:

- A. Base Lot Minimums: Within the RH-1 district, the following minimum base lot requirements shall be imposed. The base lot shall represent the smallest lot or parcel which may accommodate development within the framework of the permitted density of section 11-61-13 of this chapter prior to subdivision of unit lots.
  1. Lot area: Twenty thousand (20,000) square feet.
  2. Lot width: One hundred feet (100').
- B. Unit Lots; Two-Family and Townhome Units: The following minimum unit lot requirements shall be applied to the subdivision of two-family dwellings or townhomes to permit individual private ownership of a single dwelling within such a structure:
  1. Lot area: Two-family or townhome unit lots shall have sufficient lot area to include the living area, garages, decks, patios or porches of the individual dwelling units.
- C. Unit Lots; Single-Family Detached Dwellings: Lot sizes and setback requirements for transitional single-family detached dwellings required by section 11-61-21 of this chapter shall be subject to the same standards imposed by the abutting residential district for which the transition is intended to buffer.
- D. Base Lot Setbacks: A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.

- E.    Building Setbacks: The following minimum internal setbacks shall be imposed on developments that include more than one principal structure on a base lot:
1.     Setback between buildings within the same base lot preliminary platted after April 5, 2004, shall maintain a minimum separation of twenty five feet (25').
  2.     Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives, 20 feet from public rights of way except that the garage face shall be setback 25 feet from public rights of way, and fifteen feet (15') from guest parking areas.
  3.     A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.
- F.    Buffer Yard: The additional screening and lot requirements of subsection 11-21-9.C of this title shall apply.

11-61-17: COMMON AREAS:

The following minimum requirements shall be observed in the RH-1 district governing common areas:

- A.    Ownership: All common areas within an RH-1 development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners:
1.     Condominium ownership pursuant to Minnesota statutes 515A.1-106.
  2.     Two-family and townhome subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
- B.    Homeowners' Association: A homeowners' association shall be established for all two-family, townhome and multiple-family developments within the RH-1 district, subject to review and approval of the city attorney, and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development.

11-61-19: DESIGN AND CONSTRUCTION STANDARDS:

- A. Design and construction standards for two-family and townhomes uses shall be as specified in section 11-58-21 of this title.
- B. The exterior of multiple-family dwelling structures shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, multiple-family dwelling structures shall comply with the following requirements:
  - 1. A minimum of fifty percent (50%) of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
  - 2. For the purposes of this section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

11-61-21: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RH-1 District shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

11-61-23: TRANSITION REQUIREMENT:

Any RH-1 zoned property abutting an RS-1, RS-2, RS-3, RS-4, RS-CBD district shall have a minimum of one tier of single-family detached, two-family dwelling lots, or detached townhomes bordering such a district and shall be subject to the same lot and building standards as the RST-2 district. Exemptions to the provisions of this section may be granted subject to the approval of an administrative permit at the time of development, provided one or more of the following conditions exist:

- A. The properties are separated by a major collector or arterial street.
- B. The abutting land use is a nonresidential use allowed in the district in which it is located.

- C. The properties are separated by a railroad right of way, wetland, water body, floodplain, public open space, park or other such similar publicly reserved and development restricted area with a minimum width of one hundred feet (100') across its entire length.

11-61-25: AFFORDABLE HOUSING:

Housing meeting the metropolitan council's livable communities criteria for affordability may be exempted from subsections 11-58-21C, D, K, and L of this title where required by section 11-61-19.A of this chapter by administrative permit, provided guarantees satisfactory to the city are in place to ensure that "for sale" housing will meet the requirement for initial sales and "for rent" housing will meet the requirement for the initial ten (10) year rental period.

**Section 106.** Title 11, Chapter 62 of the City Code is hereby amended to read as follows:

CHAPTER 62

RH-2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION:

11-62--1: Purpose  
11-62--3: Permitted Uses  
11-62--5: Permitted Accessory Uses  
11-62--7: Conditional Uses  
11-62--9: Interim Uses  
11-62-11: Uses By Administrative Permit  
11-62-13: Development Density  
11-62-15: Lot Requirements And Setbacks  
11-62-17: Common Areas  
11-62-19: Design And Construction Standards  
11-62-21: Building Height  
11-62-23: Transition Requirement  
11-62-25: Affordable Housing

11-62-1: PURPOSE:

The purpose of the RH-2 district is to provide for high density housing in multiple-family structures and directly related complementary uses at appropriate locations within the city.

11-62-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an RH-2 district:

- A. Multiple-family dwelling structures.
- B. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- C. Residential dwellings as required by section 11-61-23 of this chapter.
- D. Residential facilities serving sixteen (16) or fewer persons.
- E. Senior assisted or continuing care retirement community.
- F. Townhouses, six (6) units in a row or twelve (12) units back to back.
- G. Two family dwelling units.

11-62-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an RH-2 district:

- A. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Section, subject to applicable regulation of this title only those accessory buildings, structures, or fences owned and maintained by a homeowners' association shall be erected on a common base lot for detached townhouse or two-family dwellings.
- B. Administrative offices, meeting rooms, classroom, and food preparation and service areas in private and public recreational facilities, and the uses of which are incidental and directly related to the primary use.
- C. Boarding or renting of rooms to not more than two (2) individuals per single family detached dwelling.
- D. Daycare facilities serving fourteen (14) or fewer persons in a single-family detached dwelling.
- E. Fences as regulated by chapter 21 of this title.
- F. Ground source heat pump systems as regulated by chapter 29 of this title.
- G. Home occupations and home offices as regulated by chapter 32 of this title.



- H. Keeping of animals subject to chapter 35 of this title.
- I. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
- J. Private garages and off-street parking and off-street loading as regulated by chapters 19 and 20 of this title.
- K. Recreational vehicles and equipment parking and storage as regulated by chapter 22 of this title.
- L. Secondary or accessory use antennas as regulated by chapter 30 of this title.
- M. Signs as regulated by chapter 23 of this title.
- N. Solar energy systems as regulated by chapter 29 of this title.

#### 11-62-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an RH-2 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Daycare facilities as a principal or an accessory use, except as provided for by this chapter, provided that the use complies with the provisions of chapter 31 of this title.
- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Golf courses.
- D. Government buildings and structures; public or quasi-public or private recreational buildings and neighborhood or community centers; public and private educational institutions limited to accredited elementary, middle or junior high and senior high school; and religious institutions such as churches, chapels, temples, and synagogues provided that side yards shall be double that

required for the district, but no greater than thirty feet (30').

E. Manufactured home parks, provided that:

1. The minimum area required for a manufactured home park designation shall be twenty (20) acres.
2. The following minimum lot requirements within the manufactured home park are:

Lot Area:	
Corner	24,000 square feet
Interior	20,000 square feet
Lot Width:	
Corner	120 feet
Interior	100 feet

3. The following principal structure setbacks are satisfactorily met:

Front yard	30 feet
Rear yard	30 feet
Side yard	15 feet on each side, or 30 feet on the side yard abutting a public right of way

4. Accessory buildings, uses and equipment comply with the applicable provisions of chapter 18 of this title.
5. Except as provided in chapter 17 of this title, the total ground floor area of all residential buildings shall not exceed a lot coverage of thirty percent (30%).
6. All residences are limited to a maximum height of one story.
7. The public improvements within manufactured home parks are developed in accordance with title 10 of the city code, which include:
  - a. Public utilities (telephone, cable, electric and/or gas service).

- b. Sanitary sewer improvements.
  - c. Street and storm sewer improvements.
  - d. Water improvements.
- 8. Except as specifically regulated by this section, the provisions of sections 11-55-13 through 11-55-19 of this title are considered and satisfactorily met.
- F. More than one principal residential building on one lot of record, provided that:
  - 1. The applicable provisions of section 11-62-17 of this chapter are satisfactorily met.
- G. Parks and recreational areas owned or operated by public bodies; other than the city of Lakeville.
- H. Personal wireless service antennas not located on a public structure, or existing tower as regulated by chapter 30 of this title.
- I. Social services or other activities which are not directly worship related as an accessory use within a religious institutional building(s).

#### 11-62-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the RH-2 district and are governed by chapter 5 of this title:

- A. Residential shelters as regulated by chapter 33 of this title.
- B. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- C. Temporary classroom type structure for use by public or private institutions.
- D. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

#### 11-62-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing

requirements of chapter 8 of this title, the following are uses allowed in an RH-2 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Model homes as regulated by chapter 27 of this title.
- C. Personal wireless service antennas located upon a public or quasi-public structure or existing tower, as regulated by chapter 30 of this title.
- D. Temporary structures as regulated by chapter 28 of this title.
- E. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

#### 11-62-13: DEVELOPMENT DENSITY:

- A. The maximum development density within an RH-2 district will be based on the net buildable area for either a two-family dwelling, quadraminium, townhome, or a condominium subdivision exclusive of public street rights of way, wetlands, major drainageways as defined by the water resources management plan, water bodies and slopes steeper than three to one (3:1) slope ratio.
- B. The RH-2 district allows for a variety of residential housing types. The maximum development density shall be determined by the following lot area per unit standards:
  - 1. Two-family dwellings and townhomes: Five thousand (5,000) square feet per unit.
  - 2. Multiple-family dwellings: Two thousand five hundred (2,500) square feet per unit.
  - 3. Senior assisted living or continuing care retirement communities: One thousand five hundred (1,500) square feet per unit.

#### 11-62-15: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an RH-2 district subject to additional requirements, exceptions and modifications set forth in this title:

- A. Base Lot Minimums: Within the RH-2 district, the following minimum base lot requirements shall be imposed. The base lot shall represent the smallest lot or parcel which may

accommodate development within the framework of the permitted density of section 11-62-13 of this chapter prior to subdivision of unit lots.

1. Lot area: Twenty thousand (20,000) square feet.
  2. Lot width: One hundred feet (100').
- B. Unit Lots; Two-Family and Townhomes Units: The following minimum unit lot requirements shall be applied to the subdivision of two-family dwellings or townhomes to permit individual private ownership of a single dwelling within such a structure:
1. Lot area: Two-family or townhome unit lots shall have sufficient lot area to include the living area, garages, decks, patios or porches of the individual dwelling units.
  2. Lot width:
    - a. Two-family dwelling: Fifty feet (50').
    - b. Townhome: Twenty five feet (25').
- C. Unit Lots; Single-Family Detached Dwellings: Lot sizes and setback requirements for transitional single-family detached dwellings required by section 11-62-21 of this chapter shall be subject to the same standards imposed by the abutting residential district for which the transition is intended to buffer.
- D. Base Lot Setbacks: A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.
- E. Building Setbacks: The following minimum internal setbacks shall be imposed on developments that include more than one principal structure on a base lot:
1. Setback between buildings within the same base lot shall maintain a minimum separation of twenty five feet (25').
  2. Buildings shall be set back a minimum of thirty feet (30') from the back of curb line of private drives, 20 feet from public rights of way except that the garage face shall be setback 25 feet from public rights of way, and fifteen feet (15') from parking areas.
  3. A protective natural buffer and building setback shall be provided for all designated wetlands in conformance with section 11-16-13 of this title.

- F. Buffer Yard: The additional screening and lot requirements of subsection 11-21-9C of this title shall apply.

11-62-17: COMMON AREAS:

The following minimum requirements shall be observed in the RH-2 district governing common areas:

- A. Ownership: All common areas within an RH-1 development not dedicated to the public including, but not limited to, open space, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners:
1. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
  2. Two-family and townhome subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
- B. Homeowners' Association: A homeowners' association shall be established for all two-family, townhome and multiple-family developments within the RH-2 district, subject to review and approval of the city attorney, and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development.

11-62-19: DESIGN AND CONSTRUCTION STANDARDS:

- A. Design and construction standards for two-family and townhome uses shall be as specified in section 11-58-21 of this title.
- B. The exterior of multiple-family dwelling structures shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, multiple-family dwelling structures shall comply with the following requirements:
1. A minimum of fifty percent (50%) of the combined area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.

2. For the purposes of this section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.

11-62-21: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the RH-2 district shall exceed the following height:

- A. Principal Buildings: Four (4) stories or forty five feet (45'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

11-62-23: TRANSITION REQUIREMENT:

Any RH-2 zoned property abutting an RS-1, RS-2, RS-3, RS-4, RS-CBD district shall have a minimum of one tier of single-family detached, two-family dwelling lots, or detached townhomes bordering such a district and shall be subject to the same lot and building standards as the RST-2 district. Exemptions to the provisions of this section may be granted subject to the approval of an administrative permit at the time of development, provided one or more of the following conditions exist:

- A. The properties are separated by a major collector or arterial street.
- B. The abutting land use is a nonresidential use allowed in the district in which it is located.
- C. The properties are separated by a railroad right of way, wetland, water body, floodplain, public open space, park or other such similar publicly reserved and development restricted area with a minimum width of one hundred feet (100') across its entire length.

11-62-25: AFFORDABLE HOUSING:

Housing meeting the metropolitan council's livable communities criteria for affordability may be exempted from subsections 11-58-21C, D, K, and L of this Title where required by section 11-62-19.A of this chapter by administrative permit, provided guarantees satisfactory to the city are in place to ensure that "for sale" housing will meet the requirement for initial sales and "for rent" housing will meet the requirement for the initial ten (10) year rental period.

**Section 107.** Title 11, Chapter 70 of the City Code is hereby amended to read as follows:

CHAPTER 70

O-R, OFFICE/RESIDENTIAL TRANSITION DISTRICT

SECTION:

11-70--1: Purpose  
11-70--3: Permitted Uses  
11-70--5: Accessory Uses  
11-70--7: Conditional Uses  
11-70--9: Interim Uses  
11-70-11: Uses By Administrative Permit  
11-70-13: Design Standards  
11-70-15: Lot Requirements And Setbacks  
11-70-17: Building Height

11-70-1: PURPOSE:

The purpose of the O-R district is to provide for an orderly and progressive transition in land use from business to residential development and to provide for the harmonious intermixing of such activities. A full range of public services and facilities shall be available ~~in~~ within areas zoned O-R district.

11-70-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an O-R district:

- A. Banks, savings and loans, credit unions and other financial institutions.
- B. Funeral homes and mortuaries.
- C. Governmental and public utility buildings and structures; city of Lakeville only.
- D. Instructional classes.
- E. Office businesses.
- F. On-site service businesses.



- G. Parks, trails, playfields, playgrounds, and directly related buildings and structures; city of Lakeville only.
- H. Restaurants, take out/delivery only.

#### 11-70-5: ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an O-R district:

- A. Accessory uses and buildings incidental and customary to uses allowed as permitted, conditional, interim and administrative permits in this chapter.
- B. Fences as regulated by chapter 21 of this title.
- C. Ground source heat pump systems as regulated by chapter 29 of this title.
- D. Keeping of animals as regulated by chapter 35 of this title.
- E. Off-street parking and off-street loading as regulated by chapters 19 and 20 of this title, but not including semitrailer trucks, except in designated loading areas not to exceed four (4) hours.
- F. Satellite TVROs as regulated by chapter 30 of this title.
- G. Secondary or accessory use antennas or satellites as regulated by chapter 30 of this title.
- H. Sexually oriented uses, accessory.
- I. Signs as regulated by chapter 23 of this title.
- J. Solar energy systems as regulated by chapter 29 of this title.

#### 11-70-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an O-R district and require a conditional use permit based upon

procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

A. Antennas: Personal wireless service antennas telephone antennas not located on a public structure, as regulated by chapter 30 of this title.

B. Commercial Activities: Retail commercial activities, provided that:

1. Merchandise is sold at retail.
2. The retail activity is located within a structure whose principal use is not commercial sales.
3. The retail activity shall not occupy more than fifteen percent (15%) of the gross floor area of the building.
4. No directly or indirectly illuminated sign or sign in excess of ten (10) square feet identifying the name of the business shall be visible from the outside of the building.
5. No signs or posters of any type advertising products for sale shall be located on the outside of the building.

C. Community Preschool, Latchkey and Adult Education Facilities provided that:

1. Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.
2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.
3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.
4. Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.

5. Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.
6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.
7. Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.
8. Parking:
  - a. When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.
  - b. Parking and loading areas shall be separate from any outdoor play area.
9. Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and

building codes. The facility shall meet the following conditions:

- a. The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.
  - b. When the community preschool, latchkey and adult education facility is a use within a multitenant building, it shall be located in a portion of the building separated from the other uses located within the structure.
  - c. The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.
- D. Daycare: Daycare facilities as a principal or accessory use provided that the use complies with the provisions of chapter 31 of this title.
- E. Essential Services: Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- F. Fitness centers limited to two thousand (2,000) square feet of gross floor area or less provided that:
1. Adequate off-street parking and off-street loading shall be provided in compliance with chapters 19 and 20 of this title.
  2. The total number of stations shall not exceed one per one hundred (100) square feet of gross floor area.
  3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
  4. Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M unless allowed by the city council.

- G. Governmental and public utility buildings and structures; other than city of Lakeville.
- H. Hotels: Extended stay hotels without restaurants provided that:
  - 1. More than fifty percent (50%) of the rooms shall have cooking facilities.
  - 2. Accessory restaurants, reception halls, cocktail lounges, and conference centers shall be prohibited.
  - 3. All signage shall be compatible with surrounding residential and business uses.
- I. Mixed Uses: Buildings combining residential and nonresidential uses allowed in this district, provided that:
  - 1. The residential and nonresidential uses shall not conflict in any manner.
  - 2. The residential building standards as outlined in the RH-1 ~~zoning~~ district are met.
- J. Multiple-Family Dwellings: Multiple-family dwelling structures subject to the requirements of the RH-1 district.
- K. Multiple Principal Buildings: Multiple principal buildings on one lot of record, provided that:
  - 1. Lot Requirements: The lot shall conform to the minimum lot area and lot width requirements of section 11-70-15 of this chapter.
  - 2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').
  - 3. Wetland Boundary Setback: All buildings shall be setback a minimum thirty three feet (33') from the designated wetland boundary.
  - 4. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, drainage

ponds, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:

- a. All of the property including buildings and common areas shall be owned by a single entity.
- b. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
- c. The property shall be divided into a base lot and unit lots to allow for individual ownership of the principal buildings or individual tenant spaces within the principal building, with each owner of a unit lot having an equal and undivided interest in the common area, subject to the following requirements:
  - (1) The tenant space related to each unit lot shall have an exclusive exterior entrance.
  - (2) A management association shall be established for all commercial developments with multiple principal buildings subdivided in a base lot/unit lot configuration that is to be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of driveways and parking areas, subject to review and approval of the city attorney.

5. Utilities:

- a. **Underground Or Exterior Service:** All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
- b. **Public Utility Service:** Separate public utility services shall be provided to each unit unless exempted by the city engineer.

- (1) Water Connection: A shutoff valve for each individual unit shall be provided.
- (2) Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.

L. Nursing Homes and Residential Care Facilities provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with section 11-21-9 of this title.
2. Only the rear yard shall be used for recreational areas. Said area shall be fenced and controlled and screened in compliance with section 11-21-9 of this title.
3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated by the use.
4. All state laws and statutes governing such uses are strictly adhered to and all required operating permits are secured.

M. Religious Institutions: Religious institutions such as churches, chapels, temples, and synagogues including secondary social services.

N. Restaurants: Special event and catering restaurants, provided that:

1. No drive-through window service shall be provided.
2. The storage, preparation, and serving of food items are subject to the approval of the zoning administrator who shall provide specific written sanitary requirements based upon applicable state and county regulations.

O. Senior assisted living and continuing care retirement communities: Senior assisted living and continuing care

retirement communities subject to the requirements of the RH-1 district.

P. Veterinary Clinics: Veterinary clinics provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:
  - a. The number of animals boarded shall not exceed twenty (20).
  - b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
  - c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty (60) degrees and seventy five (75) degrees Fahrenheit.
  - d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
  - e. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
  - f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.



- g. The appropriate license is obtained from the city clerk and the conditions of section 5-1-12 of the city code are met.
- h. All state health department and Minnesota pollution control agency requirements for such facilities are met.

11-70-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this chapter, the following are interim uses in the O-R district and are further governed by chapter 5 of this title:

- A. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

11-70-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an O-R district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by chapter 30 of this title.
- C. Temporary structures as regulated by chapter 28 of this title.
- D. WECS conforming to the height limit of this district, as regulated by chapter 29 of this title.

11-70-13: DESIGN STANDARDS:

The architectural appearance and functional design of the building and site shall maintain a high standard of

architectural and aesthetic compatibility with surrounding residential uses and shall comply with the exterior finish requirements of section 11-17-9 of this title.

**11-70-15: LOT REQUIREMENTS AND SETBACKS:**

The following minimum requirements shall be observed in an O-R district subject to additional requirements, exceptions and modifications set forth in this title:

Lot Area:	
Corner	24,000 square feet
Interior	20,000 square feet
Lot Width:	
Corner	120 feet
Interior	100 feet
Front yards	30 feet
Rear yards	30 feet
Side yards	15 feet on each side, or 30 feet on the side yard abutting a public right of way

**11-70-17: BUILDING HEIGHT:**

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the O-R district shall exceed the following height:

- A.      Principal Buildings:    Three (3) stories or thirty five feet (35'), whichever is less.
- B.      Accessory Buildings:    As regulated by section 11-18-9.C of this title.

**Section 108.** Title 11, Chapter 71 of the City Code is hereby amended to read as follows:

## CHAPTER 71

### C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

#### SECTION:

11-71--1: Purpose  
11-71--3: Permitted Uses  
11-71--5: Permitted Accessory Uses  
11-71--7: Conditional Uses  
11-71--9: Interim Uses  
11-71-11: Uses By Administrative Permit  
11-71-13: Lot Requirements And Setbacks  
11-71-15: Building Height

#### 11-71-1: PURPOSE:

The purpose of the C-1 district is to provide for low intensity, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a limited community market scale and located in areas which are well served by collector or arterial street facilities at the edge of residential districts.

#### 11-71-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in a C-1 district:

- A. Bank, savings and loan, savings credit unions and other financial institutions.
- B. Funeral homes and mortuaries.
- C. Governmental and public utility buildings and structures; city of Lakeville only.
- D. Instructional classes.
- E. Office businesses.
- F. On site service businesses.
- G. Public garages and parking lots.

H. Restaurants, take out/delivery only.

I. Retail businesses.

#### 11-71-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in a C-1 district:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by chapter 21 of this title.
- C. Ground source heat pump systems as regulated by chapter 29 of this title.
- D. Off-street loading as regulated by chapter 20 of this title.
- E. Off-street parking as regulated by chapter 19 of this title, but not including semitrailer trucks, except in designated loading areas not to exceed four (4) hours.
- F. Satellite TVROs as regulated by chapter 30 of this title.
- G. Secondary or accessory use antennas or satellites as regulated by chapter 30 of this title.
- H. Sexually oriented uses, accessory.
- I. Signs as regulated by chapter 23 of this title.
- J. Solar energy systems as regulated by chapter 29 of this title.

#### 11-71-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in a C-1 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally,

besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Commercial car washes (automatic mechanical drive-through only) as accessory use associated with convenience store/motor fuel sales, provided:
  - 1. The accessory car wash must be attached to the convenience store/motor fuel sales facility.
  - 2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.
  - 3. Magazine or stacking space must not interfere with on site circulation patterns or required on site parking or loading areas.
  - 4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
  - 5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.
    - a. Where the car wash operation is within five hundred feet (500') of a residential district, the exterior vehicle doors of the car wash must remain closed during the entire operation cycle.
  - 6. The location and operation of vacuum machines must not interfere with magazines or stacking areas on site circulation or on site parking and loading areas, and may not be located in a yard abutting residentially zoned property.
  - 7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.

B. Community Preschool, Latchkey and Adult Education Facilities provided that:

1. Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.
2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.
3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.
4. Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.
5. Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.
6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.
7. Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.
8. Parking:

- a. When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.
  - b. Parking and loading areas shall be separate from any outdoor play area.
- 9. Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions:
  - a. The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.
  - b. When the community preschool, latchkey and adult education facility is a use within a multitenant building, it shall be located in a portion of the building separated from the other uses located within the structure.
  - c. The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.
- C. Daycare facilities as a principal or accessory use provided that the use complies with the provisions of chapter 31 of this title.
- D. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.

- E. Fitness centers limited to two thousand (2,000) square feet of gross floor area or less provided that:
  - 1. Adequate off street-parking and off-street loading shall be provided in compliance with chapters 19 and 20 of this title.
  - 2. The total number of stations shall not exceed one per one hundred (100) square feet of gross floor area.
  - 3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
  - 4. Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M. unless allowed by the city council.
- F. Governmental and public utility buildings and structures; other than city of Lakeville.
- G. Motor vehicle fuel sales with or without convenience grocery and/or prepared food as regulated by chapter 37 of this title.
- H. Personal wireless service antennas not located on an existing structure or tower, as regulated by chapter 30 of this title.
- I. Multiple principal buildings on one lot of record, provided that:
  - 1. Lot Requirements: The lot shall conform to the minimum lot area and lot width requirements of section 11-71-13 of this chapter.
  - 2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').
  - 3. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:
    - a. All of the property including buildings and common areas shall be owned by a single entity.



- b. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
- c. The property shall be divided into a base lot and unit lots to allow for individual ownership of the principal buildings or individual tenant spaces within the principal building, with each owner of a unit lot having an equal and undivided interest in the common area, subject to the following requirements:
  - (1) The tenant space related to each unit lot shall have an exclusive exterior entrance.
  - (2) A management association shall be established for all commercial developments with multiple principal buildings subdivided in a base lot/unit lot configuration that is to be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of driveways and parking areas, subject to review and approval of the city attorney.

4. Utilities:

- a. **Underground Or Exterior Service:** All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
- b. **Public Utility Service:** Separate public utility services shall be provided to each unit unless exempted by the city engineer.
  - (1) **Water Connection:** A shutoff valve for each individual unit shall be provided.
  - (2) **Sewer Connection:** Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.

- J. Religious Institutions: Religious institutions such as churches, chapels, temples, and synagogues including secondary social services.
- K. Veterinary clinics provided that:
1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
  2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
  3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:
    - a. The number of animals boarded shall not exceed twenty (20).
    - b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
    - c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty (60) degrees and seventy five (75) degrees Fahrenheit.
    - d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
    - e. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
    - f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

- g. The appropriate license is obtained from the city clerk and the conditions of section 5-1-12 of the city code are met.
- h. All state health department and Minnesota pollution control agency requirements for such facilities are met.

11-71-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the C-1 district and are governed by section 11-5-3 of this title:

- A. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

11-71-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in a C-1 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Open or outdoor sales, rental or display as an accessory use in association with an allowed principal use provided that:
  - 1. The area so occupied shall not exceed ten percent (10%) of the principal building.
  - 2. No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
  - 3. The outdoor sales, rental or display area shall be included in the calculations for parking spaces

required for the use and shall not occupy space required for parking as stipulated by chapter 19 of this title, except as may be exempted for cause by the zoning administrator.

C. Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by chapter 30 of this title.

D. Temporary, outdoor promotional events and sales provided that:

1. Outdoor Sales (Except Promotional Events, Christmas Trees And Transient Merchant Sales):

a. Such activity is directed towards the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and seasonal merchandise sales (except Christmas trees).

b. The following specific standards shall apply to all proposed temporary outdoor sales activities allowed by this subsection and by city code business licensing provisions in addition to other applicable building and safety code requirements as determined by the zoning administrator:

(1) The maximum total time for temporary outdoor sales activities shall be the period specified in the administrative permit and, in no case, shall exceed sixty (60) days per calendar year per property.

(2) There shall be no more sales activities than those specified in the administrative permit and, in no case, shall there be more than ten (10) sales activities per year per property.

(3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Temporary sales on unpaved landscaped areas is prohibited.

2. Promotional Events, Outdoor Christmas Tree And Transient Merchant Sales:
  - a. Such activity is directed towards the general public and consists of the sales of cut evergreen trees, boughs, wreaths and other natural holiday decorations and related products, sales of produce or other licensed transient sales and displays of materials that are typically not sold or serviced on the site.
  - b. The following specific standards shall apply to all proposed outdoor events and sales allowed by this subsection and by city code business licensing provisions in addition to other applicable building and safety code requirements as determined by the zoning administrator:
    - (1) The maximum total time for sales activities shall be the period specified in the administrative permit and, in no case, shall exceed ninety (90) days per calendar year per property.
    - (2) There shall be no more than one sales activity per year per property, which shall be in addition to any promotional events or other outdoor sales permitted on the property.
    - (3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with seasonal parking demand, traffic, circulation or emergency vehicle access. Sales on unpaved landscaped areas are prohibited.
3. General Standards:
  - a. The event shall be clearly accessory to or promoting the permitted or conditional use approved for the site. Only merchandise which is normally manufactured, sold, or stocked by the occupant on the subject premises, except Christmas trees and plant sales, shall be sold and/or promoted.

- b. Tents, stands, and other similar temporary structures may be utilized, provided they are clearly identified on the submitted plan and provided that it is determined by the zoning administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
  - c. The submitted plan shall clearly demonstrate that adequate off street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the zoning administrator who shall consider the nature of the event and the applicable parking requirements of chapter 19 of this title. Consideration shall be given to the parking needs and requirements of other occupants in the case of multiple tenant buildings. Parking on public right of way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the chief of police, at the petitioner's expense.
  - d. Signage related to the event shall be in compliance with the temporary sign standards of chapter 23 of this title and shall be allowed for the duration of the event. Special signage for purposes of traffic direction and control may be authorized by the zoning administrator; the erection and removal of such signage shall be the responsibility of the applicant.
  - e. The approved permit shall be displayed on the premises for the duration of the event.
- E. Temporary structures as regulated by chapter 28 of this title.
- F. Seating accessory to bakery, bagel, candy, coffee, ice cream, popcorn, nuts, frozen desserts, pastries, sandwich, soup, and soft drink sales provided that:

1. No accessory drive-through facilities shall be permitted.
2. No sale or consumption of on-/off-sale liquor shall be permitted.
3. The area dedicated to seating shall be limited to three hundred (300) square feet of floor area.
4. Adequate off-street parking and off-street loading shall be provided in compliance with chapters 19 and 20 of this title.
5. Only one business in a shopping center may obtain an administrative permit for accessory seating.

11-71-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in a C-1 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot Area:	20,000 square feet
Lot Width:	100 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	20 feet on any one side, or 30 feet on the side yard abutting a street or residential zoned property

11-71-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the C-1 district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 109.** Title 11, Chapter 72 of the City Code is hereby amended to read as follows:

## CHAPTER 72

### C-2, HIGHWAY COMMERCIAL DISTRICT

#### SECTION:

11-72--1: Purpose  
11-72--3: Permitted Uses  
11-72--5: Permitted Accessory Uses  
11-72--7: Conditional Uses  
11-72--9: Interim Uses  
11-72-11: Uses By Administrative Permit  
11-72-13: Lot Requirements And Setbacks  
11-72-15: Building Height

#### 11-72-1: PURPOSE:

The purpose of the C-2 district is to provide for and limit the establishment of motor vehicle oriented or dependent high intensity commercial and service activities.

#### 11-72-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in a C-2 district:

- A. Bank, savings and loan, savings credit unions and other financial institutions.
- B. Commercial recreation, indoor.
- C. Funeral homes and mortuaries.



- D. Governmental and public utility buildings and structures; city of Lakeville only.
- E. Hotels.
- F. Instructional classes.
- G. Motor vehicle and recreation equipment sales and structures accessory thereto (excluding those involving outdoor display).
- H. Office businesses.
- I. Pawnshops.
- J. Private clubs or lodges serving food and beverages with on- and off-sale liquor.
- K. Public garages and parking lots.
- L. Restaurants, general with on- and off-sale liquor.
- M. Retail businesses.
- N. Tattoo parlors.
- O. Service Businesses, on and off site.
- P. Sexually oriented uses, principal.

11-72-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in a C-2 district:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by chapter 21 of this title.
- C. Ground source heat pump systems as regulated by chapter 29 of this title.

- D. Off-street loading as regulated by chapter 20 of this title.
- E. Off-street parking as regulated by chapter 19 of this title, but not including semitrailer trucks, except in designated loading areas not to exceed four (4) hours.
- F. Satellite TVROs as regulated by chapter 30 of this title.
- G. Secondary or accessory use antennas or satellites as regulated by chapter 30 of this title.
- H. Sexually oriented uses, accessory.
- I. Signs as regulated by chapter 23 of this title.
- J. Solar energy systems as regulated by chapter 29 of this title.

#### 11-72-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in a C-2 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Automobile repair, major provided that:
  - 1. All building materials and construction including those of accessory structures must be in conformance with section 11-17-9 of this title.
  - 2. Not less than twenty five percent (25%) of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.
  - 3. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the city engineer.

4. The following minimum requirements shall apply:

Lot Area:	1 acre
Lot Width:	100 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	20 feet on any one side, or 30 feet on the side yard abutting the major street or residentially zoned property

5. The hours of operation shall be between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. Evening hours of operation shall be subject to the approval of the city council.
6. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
7. The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC, as amended.
8. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code.
9. All outside storage is prohibited. The storage of damaged vehicles, vehicles being repaired and vehicle parts and accessory equipment must be completely inside a principal or accessory building.
10. All conditions pertaining to a specific site are subject to change when the city council, upon investigation in relation to a formal request, finds

that the general welfare and public betterment can be served by modifying the conditions.

B. Auto repair, minor, provided that:

1. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the city engineer.
2. A minimum lot area of twenty thousand (20,000) square feet and minimum lot width of one hundred fifty feet (150').
3. A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas.
4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
5. No outside storage except as allowed in compliance with this chapter.
6. Sale of products other than those specifically mentioned in this Section be subject to a conditional use permit and be in compliance with subsection B of this section.
7. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.

C. Bottled gas sales outside of activities included with motor fuel sales in chapter 37 of this title, provided that:

1. Retail sales activities connected with the principal use must constitute at least fifty percent (50%) of the gross floor area of the principal use.
2. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code. In addition, the conditional use permit shall be reviewed and subject to conditions set forth by the city fire marshal.

3. All outside storage is prohibited. The storage of all accessory equipment related to the storage and sale of flammable fuels must be completely inside a principal or accessory building.
- D. Commercial car washes (drive-through, mechanical and self-service) provided that:
1. A car wash that is accessory to a convenience store/motor fuel facility shall be included as part of the principal building.
  2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.
  3. Magazine or stacking space must not interfere with on-site circulation patterns or required on-site parking or loading areas.
  4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
  5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.
    - a. Where the car wash operation is within five hundred feet (500') of a residential district, the exterior vehicle doors of the car wash must remain closed during the entire operation cycle.
  6. The location and operation of vacuum machines must not interfere with magazines or stacking areas on-site circulation or on-site parking and loading areas, and may not be located in a yard abutting residentially zoned property.
  7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.

E. Commercial recreation, outdoor.

F. Community Preschool, Latchkey and Adult Education Facilities provided that:

1. Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.
2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.
3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.
4. Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.
5. Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.
6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.
7. Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.

8. Parking:
  - a. When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.
  - b. Parking and loading areas shall be separate from any outdoor play area.
9. Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions:
  - a. The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.
  - b. When the community preschool, latchkey and adult education facility is a use within a multitenant building, it shall be located in a portion of the building separated from the other uses located within the structure.
  - c. The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.
- G. Daycare facilities as a principal or accessory use provided that the use complies with the provisions of chapter 31 of this title.
- H. Drive-in and convenience food establishments, provided that:

1. Hours: The hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M., unless extended by the city council as part of the conditional use permit.
2. Architectural Standards:
  - a. As a part of the conditional use permit application, a color illustration of all building elevations must be submitted.
  - b. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, so as not to constitute a blighting influence.
  - c. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to section 11-17-9 of this title.
  - d. Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.
  - e. Earth tone colors of exterior materials including the canopy columns shall be required. "Earth tone colors" shall be defined as any various soft colors like those found in nature in soil, vegetation, etc., such colors are limited to brown, black, grey, tan, beige, soft green, soft blue, or white.
  - f. Ten percent (10%) of the building facade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones. The canopy may have contrasting color bands or accent lines not to exceed an accumulative width of four inches (4"). The color bands shall not be illuminated.
3. Landscaping:
  - a. At least twenty five percent (25%) of the lot, parcel or tract of land shall remain as a grass plot, including trees, shrubbery, plantings or fencing and shall be landscaped. Required minimum



green area should be emphasized in the front and side yards abutting streets or residential property.

- b. At the boundaries of the lot, the following landscape area shall be required:
  - (1) From side and rear property lines, an area of not less than five feet (5') wide shall be landscaped in compliance with section 11-21-9 of this title.
  - (2) From all public rights of way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with section 11-21-9 of this title.
  - (3) Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in compliance with section 11-21-9 of this title.
  - (4) The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.
- 4. Dust Control And Drainage: The entire area other than occupied by buildings, structures or plantings shall be surfaced with asphalt, concrete, cobblestone, or paving brick to control dust and drainage, which is subject to review and approval of the city engineer.
- 5. Exterior Lighting: The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with section 11-16-17 of this title. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:
  - a. Lighting at the periphery of the site and building shall be directed downward, and individual lights shall not exceed fifteen (15) foot-candles at ground level.

- b. Maximum site illumination shall not exceed one foot-candle at ground level when measured at any boundary line with an adjoining residential property or any public property.
  - c. Except for permitted wall signage the building fascia shall not be illuminated.
- 6. Access: Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with chapter 19 of this title and shall be subject to the approval of the city engineer.
- 7. Drive-Through Windows: Service windows shall be allowed if the following additional criteria are satisfied:
  - a. Stacking: Not less than one hundred eighty feet (180') of segregated automobile stacking lane must be provided for the service window.
  - b. Traffic Control: The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
  - c. Use Of Street: No part of the public street or boulevard may be used for stacking of automobiles.
- 8. Circulation And Loading: The site design must accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas must be exclusive of off street parking stalls and drive aisles and shall not cause conflicts with customer vehicles and pedestrian movement. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.
- 9. Pedestrian Traffic:
  - a. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles. In front of the principal structure, the pedestrian sidewalk must be a minimum of five feet (5') wide and clear of any obstacle or impediment.

- b. A continuous and permanent concrete curb not less than six inches (6") above grade shall separate internal sidewalks for pedestrian traffic from motor vehicle areas, pursuant to the provisions of subsection 11-19-7I of this title.
- 10. Noise: The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Noise control shall be required as regulated in section 11-16-25 of this title.
- 11. Signs: All signs and informational or visual communication devices shall be minimized and shall be in compliance with chapter 23 of this title.
- 12. Additional Stipulations: All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.
- I. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- J. Fitness centers and health clubs provided that:
  - 1. Adequate off-street parking and off-street loading shall be provided in compliance with chapters 19 and 20 of this title.
  - 2. The total number of stations shall not exceed one per one hundred (100) square feet of gross floor area.
  - 3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
  - 4. Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M unless otherwise allowed by the city council.

- K. Governmental and public utility buildings and structures; other than city of Lakeville.
- L. Motor vehicle fuel sales with or without convenience grocery and/or prepared food as regulated by chapter 37 of this title.
- M. Motor vehicle sales, including new and used automobiles, trucks, motorcycles, recreational vehicles and equipment, boats and marine sales, that involve open and outdoor sales and display areas larger than thirty percent (30%) of the area of the principal building provided that:
  - 1. The outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with section 11-21-9 of this title.
  - 2. The architectural appearance, scale, building materials and functional plan of the site and building shall not be dissimilar to existing uses and buildings so as to cause a blighting influence.
  - 3. The sales area is surfaced with bituminous material or concrete.
  - 4. The sales area does not take up parking space as required for conformity to this title.
  - 5. Hours of operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. unless otherwise allowed by the city council.
  - 6. Accessory automobile repair shall require the processing of a separate conditional use permit(s), subject to the conditions of subsections D and/or C of this section, except the use shall not be subject to subsection C2 of this section.
- N. Multiple principal buildings on one lot of record, provided that:
  - 1. Lot Requirements: The lot shall conform to the minimum lot area and lot width requirements of section 11-72-13 of this chapter.

2.   Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').
3.   Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:
  - a.   All of the property including buildings and common areas shall be owned by a single entity.
  - b.   Condominium ownership pursuant to Minnesota statutes 515A.1-106.
  - c.   The property shall be divided into a base lot and unit lots to allow for individual ownership of the principal buildings or individual tenant spaces within the principal building, with each owner of a unit lot having an equal and undivided interest in the common area, subject to the following requirements:
    - (1)   The tenant space related to each unit lot shall have an exclusive exterior entrance.
    - (2)   A management association shall be established for all commercial developments with multiple principal buildings subdivided in a base lot/unit lot configuration that is to be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of driveways and parking areas, subject to review and approval of the city attorney.
4.   Utilities:
  - a.   Underground Or Exterior Service: All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.

- b. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.
    - (1) Water Connection: A shutoff valve for each individual unit shall be provided.
    - (2) Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.
- O. Personal wireless service antennas not located on an existing structure or tower, as regulated by chapter 30 of this title.
- P. Pet shops which may include pet grooming, pet supplies, and/or pet accessories, provided that:
  - 1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties or tenants in the case of multiple occupancy buildings.
  - 2. Animal wastes are disposed at least once each day via an existing sanitary sewer system or enclosed in a container of sufficient construction at least once a day to minimize odors.
  - 3. The floors and walls of pet grooming areas are made of nonporous materials or sealed concrete to make them nonporous.
  - 4. All applicable requirements of the city code regarding the keeping and care of animals are satisfactorily met.
  - 5. No commercial boarding or kenneling of animals shall be allowed.
  - 6. The breeding of cats and dogs is prohibited unless expressly allowed by the conditional use permit.
  - 7. All applicable provisions of Minnesota statutes sections 346.35 through 346.58 regarding the commercial keeping and care of animals are satisfactorily met.

8. All animals to be sold are acquired from a licensed animal broker.
- Q. Principal building height of up to six (6) stories or sixty five feet (65'), whichever is less, provided that:
  1. The minimum setback side or rear yard setback abutting residential zoned property shall be fifty feet (50').
- R. Religious institutions such as churches, chapels, temples, and synagogues, including secondary social services.
- S. Theaters, indoor.
- T. Veterinary clinics provided that:
  1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
  2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
  3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:
    - a. The number of animals boarded shall not exceed twenty (20).
    - b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
    - c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty (60) degrees and seventy five (75) degrees Fahrenheit.
    - d. A room separate from the kennel area shall be provided of sufficient size to adequately

separate animals that are sick or injured from healthy animals.

- e. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
- f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
- g. The appropriate license is obtained from the city clerk and the conditions of section 5-1-12 of the city code are met.
- h. All state health department and Minnesota pollution control agency requirements for such facilities are met.

#### 11-72-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the C-2 district and are governed by chapter 5 of this title:

- A. Outdoor service, sale and rental as a principal or accessory use, provided that:
  - 1. Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
  - 2. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with section 11-21-9 of this title.
  - 3. Sales area is surfaced with asphalt, concrete or pavers to control dust.
  - 4. The use does not take up parking space as required for conformity to this title.



5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.
- B. Outdoor storage as a principal or accessory use, provided that:
1. The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right of way in compliance with section 11-21-9 of this title.
  2. The storage area is surfaced with asphalt, concrete or pavers surfaced to control dust.
  3. The storage area does not take up parking space as required for conformity to chapter 19 of this title.
  4. The storage does not include any waste, except as provided in section 11-18-11 of this title.
  5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.
- C. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

11-72-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in a C-2 district by administrative permit

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Open or outdoor sales, rental or display as an accessory use in association with an allowed principal use provided that:

1. The area so occupied shall not exceed ten percent (10%) of the principal building.
  2. No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
  3. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by chapter 19 of this title, except as may be exempted for cause by the zoning administrator.
- C. Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by chapter 30 of this title.
- D. Temporary, outdoor promotional events and sales provided that:
1. Outdoor Sales (Except Promotional Events, Christmas Trees And Transient Merchant Sales):
    - a. Such activity is directed towards the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and seasonal merchandise sales (except Christmas trees).
    - b. The following specific standards shall apply to all proposed temporary outdoor sales activities allowed by this subsection and by city code business licensing provisions in addition to other applicable building and safety code requirements as determined by the zoning administrator:
      - (1) The maximum total time for temporary outdoor sales activities shall be the period specified in the administrative permit and, in no case, shall exceed sixty (60) days per calendar year per property.
      - (2) There shall be no more sales activities than those specified in the administrative permit

and, in no case, shall there be more than ten (10) sales activities per year per property.

- (3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Temporary sales on unpaved landscaped areas is prohibited.

2. Promotional Events, Outdoor Christmas Tree And Transient Merchant Sales:

- a. Such activity is directed towards the general public and consists of the sales of cut evergreen trees, boughs, wreaths and other natural holiday decorations and related products, sales of produce or other licensed transient sales and displays of materials that are typically not sold or serviced on the site.

- b. The following specific standards shall apply to all proposed outdoor events and sales allowed by this subsection and by city code business licensing provisions in addition to other applicable building and safety code requirements as determined by the zoning administrator:

- (1) The maximum total time for sales activities shall be the period specified in the administrative permit and, in no case, shall exceed ninety (90) days per calendar year per property.
- (2) There shall be no more than one sales activity per year per property, which shall be in addition to any promotional events or other outdoor sales permitted on the property.
- (3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with seasonal parking demand, traffic, circulation or emergency vehicle access. Sales on unpaved landscaped areas are prohibited.

3. General Standards:

- a. The event shall be clearly accessory to or promoting the permitted or conditional use approved for the site. Only merchandise which is normally manufactured, sold, or stocked by the occupant on the subject premises, except Christmas trees and plant sales, shall be sold and/or promoted.
- b. Tents, stands, and other similar temporary structures may be utilized, provided they are clearly identified on the submitted plan and provided that it is determined by the zoning administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
- c. The submitted plan shall clearly demonstrate that adequate off street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the zoning administrator who shall consider the nature of the event and the applicable parking requirements of chapter 19 of this title. Consideration shall be given to the parking needs and requirements of other occupants in the case of multiple tenant buildings. Parking on public right of way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the chief of police, at the petitioner's expense.
- d. Signage related to the event shall be in compliance with the temporary sign standards of chapter 23 of this title and shall be allowed for the duration of the event. Special signage for purposes of traffic direction and control may be authorized by the zoning administrator; the erection and removal of such signage shall be the responsibility of the applicant.

- e. The approved permit shall be displayed on the premises for the duration of the event.
- E. Temporary structures as regulated by chapter 28 of this title.
- F. WECS that comply with the height limit of this district, as regulated by chapter 29 of this title.

11-72-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in a C-2 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot area		20,000 square feet
Lot width		100 feet
Setbacks:		
	Front yards	30 feet
	Rear yards	10 feet, or 30 feet abutting residential zoned property
	Side yards	10–feet on any one side, or 30 feet on the side yard abutting a street or residential zoned property

11-72-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the C-2 district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 110.** Title 11, Chapter 73 of the City Code is hereby amended to read as follows:

CHAPTER 73

## C-3, GENERAL COMMERCIAL DISTRICT

### SECTION:

11-73--1: Purpose  
11-73--3: Permitted Uses  
11-73--5: Permitted Accessory Uses  
11-73--7: Conditional Uses  
11-73--9: Interim Uses  
11-73-11: Uses By Administrative Permit  
11-73-13: Lot Requirements And Setbacks  
11-73-15: Building Height

### 11-73-1: PURPOSE:

The purpose of the C-3 district is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region.

### 11-73-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in a C-3 district:

- A. Bank, savings and loan, savings credit unions and other financial institutions.
- B. Commercial recreation, indoor.
- C. Funeral homes and mortuaries.
- D. Governmental and public utility buildings and structures; city of Lakeville only.
- E. Hotels.
- F. Instructional classes.
- G. Office businesses.
- H. Pawnshops.
- I. Private clubs or lodges serving food and beverages with on- and off-sale liquor.
- J. Public garages and parking lots.

- K. Restaurants, general with on- and off-sale liquor.
- L. Retail businesses.
- M. Tattoo parlors.
- N. Service Businesses, on and off site.
- O. Sexually oriented uses, principal.

11-73-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in a C-3 district:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by chapter 21 of this title.
- C. Ground source heat pump systems as regulated by chapter 29 of this title.
- D. Off-street loading as regulated by chapter 20 of this title.
- E. Off-street parking as regulated by chapter 19 of this title, but not including semitrailer trucks, except in designated loading areas not to exceed four (4) hours.
- F. Satellite TVROs as regulated by chapter 30 of this title.
- G. Secondary or accessory use antennas or satellites as regulated by chapter 30 of this title.
- H. Sexually oriented uses, accessory.
- I. Signs as regulated by chapter 23 of this title.
- J. Solar energy systems as regulated by chapter 29 of this title

11-73-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in a C-3 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

A. Automobile repair, major provided that:

1. All building materials and construction including those of accessory structures must be in conformance with section 11-17-9 of this title.
2. Not less than twenty five percent (25%) of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.
3. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the city engineer.
4. The following minimum requirements shall apply:

Lot Area:	1 acre
Lot Width:	100 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	20 feet on any one side, or 30 feet on the side yard abutting the major street or residentially zoned property

5. The hours of operation shall be between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. Evening hours



of operation shall be subject to the approval of the city council.

6. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
7. The emission of odor by a use shall be in compliance with and regulated by the Minnesota Pollution Control Standards, Minnesota Regulation APC, as amended.
8. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code.
9. All outside storage is prohibited. The storage of damaged vehicles, vehicles being repaired and vehicle parts and accessory equipment must be completely inside a principal or accessory building.
10. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served by modifying the conditions.

B. Auto repair, minor provided that:

1. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the city engineer.
2. A minimum lot area of twenty thousand (20,000) square feet and minimum lot width of one hundred fifty feet (150').
3. A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas.
4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.

5. No outside storage except as allowed in compliance with this chapter.
  6. Sale of products other than those specifically mentioned in this Section be subject to a conditional use permit and be in compliance with subsection B of this section.
  7. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.
- C. Bottled gas sales outside of activities included with motor fuel sales in chapter 37 of this title, provided that:
1. Retail sales activities connected with the principal use must constitute at least fifty percent (50%) of the gross floor area of the principal use.
  2. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code. In addition, the conditional use permit shall be reviewed and subject to conditions set forth by the city fire marshal.
  3. All outside storage is prohibited. The storage of all accessory equipment related to the storage and sale of flammable fuels must be completely inside a principal or accessory building.
- D. Commercial car washes (drive-through, mechanical and self-service) provided that:
1. A car wash that is accessory to a convenience store/motor fuel facility shall be included as part of the principal building.
  2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.
  3. Magazine or stacking space must not interfere with on-site circulation patterns or required on-site parking or loading areas.

4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
  5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.
    - a. Where the car wash operation is within five hundred feet (500') of a residential district, the exterior vehicle doors of the car wash must remain closed during the entire operation cycle.
  6. The location and operation of vacuum machines must not interfere with magazines or stacking areas on-site circulation or on-site parking and loading areas, and may not be located in a yard abutting residentially zoned property.
  7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.
- E. Commercial recreation, outdoor.
- F. Community preschool, latchkey and adult education facilities provided that:
1. Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.
  2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.
  3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.
  4. Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.

5. Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.
6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.
7. Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.
8. Parking:
  - a. When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.
  - b. Parking and loading areas shall be separate from any outdoor play area.
9. Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions:

- a. The architectural appearance and functional plan of the building and site shall comply with the requirements of section 11-17-9 of this title.
  - b. When the community preschool, latchkey and adult education facility is a use within a multitenant building, it shall be located in a portion of the building separated from the other uses located within the structure.
  - c. The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.
- G. Daycare facilities as a principal or accessory use provided that the use complies with the provisions of chapter 31 of this title.
- H. Drive-in and convenience food establishments, provided that:
- 1. Hours: The hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M., unless extended by the city council as part of the conditional use permit.
  - 2. Architectural Standards:
    - a. As a part of the conditional use permit application, a color illustration of all building elevations must be submitted.
    - b. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, so as not to constitute a blighting influence.
    - c. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to section 11-17-9 of this title.

- d. Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.
- e. Earth tone colors of exterior materials including the canopy columns shall be required. "Earth tone colors" shall be defined as any various soft colors like those found in nature in soil, vegetation, etc., such colors are limited to brown, black, grey, tan, beige, soft green, soft blue, or white.
- f. Ten percent (10%) of the building facade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones. The canopy may have contrasting color bands or accent lines not to exceed an accumulative width of four inches (4"). The color bands shall not be illuminated.

3. Landscaping:

- a. At least twenty five percent (25%) of the lot, parcel or tract of land shall remain as a grass plot, including trees, shrubbery, plantings or fencing and shall be landscaped. Required minimum green area should be emphasized in the front and side yards abutting streets or residential property.
- b. At the boundaries of the lot, the following landscape area shall be required:
  - (1) From side and rear property lines, an area of not less than five feet (5') wide shall be landscaped in compliance with section 11-21-9 of this title.
  - (2) From all road rights of way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with section 11-21-9 of this title.
  - (3) Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped

and screened in compliance with section 11-21-9 of this title.

- (4) The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.
- 4. Dust Control And Drainage: The entire area other than occupied by buildings, structures or plantings shall be surfaced with asphalt, concrete, cobblestone, or paving brick to control dust and drainage, which is subject to review and approval of the city engineer.
- 5. Exterior Lighting: The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with section 11-16-17 of this title. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:
  - a. Lighting at the periphery of the site and building shall be directed downward, and individual lights shall not exceed fifteen (15) foot-candles at ground level.
  - b. Maximum site illumination shall not exceed one foot-candle at ground level when measured at any boundary line with an adjoining residential property or any public property.
  - c. Except for permitted wall signage the building fascia shall not be illuminated.
- 6. Access: Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with chapter 19 of this title and shall be subject to the approval of the city engineer.
- 7. Drive-Through Windows: Service windows shall be allowed if the following additional criteria are satisfied:
  - a. Stacking: Not less than one hundred eighty feet (180') of segregated automobile stacking lane must be provided for the service window.

- b. Traffic Control: The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
  - c. Use Of Street: No part of the public street or boulevard may be used for stacking of automobiles.
- 8. Circulation And Loading: The site design must accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas must be exclusive of off street parking stalls and drive aisles and shall not cause conflicts with customer vehicles and pedestrian movement. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.
- 9. Pedestrian Traffic:
  - a. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles. In front of the principal structure, the pedestrian sidewalk must be a minimum of five feet (5') wide and clear of any obstacle or impediment.
  - b. A continuous and permanent concrete curb not less than six inches (6") above grade shall separate internal sidewalks for pedestrian traffic from motor vehicle areas, pursuant to the provisions of subsection 11-19-7I of this title.
- 10. Noise: The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Noise control shall be required as regulated in section 11-16-25 of this title.
- 11. Signs: All signs and informational or visual communication devices shall be minimized and shall be in compliance with chapter 23 of this title.



12. Additional Stipulations: All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.
- I. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- J. Fitness centers and health clubs provided that:
  1. Adequate off-street parking and off-street loading shall be provided in compliance with chapters 19 and 20 of this title.
  2. The total number of stations shall not exceed one per one hundred (100) square feet of gross floor area.
  3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
  4. Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M. unless allowed by the City Council
- K. Governmental and public utility buildings and structures; other than city of Lakeville.
- L. Motor vehicle fuel sales with or without convenience grocery and/or prepared food as regulated by chapter 37 of this title.
- M. Multiple principal buildings on one lot of record, provided that:
  1. Lot Requirements: The lot shall conform to the minimum lot area and lot width requirements of section 11-73-13 of this chapter.
  2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').

3. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:
  - a. All of the property including buildings and common areas shall be owned by a single entity.
  - b. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
  - c. The property shall be divided into a base lot and unit lots to allow for individual ownership of the principal buildings or individual tenant spaces within the principal building, with each owner of a unit lot having an equal and undivided interest in the common area, subject to the following requirements:
    - (1) The tenant space related to each unit lot shall have an exclusive exterior entrance.
    - (2) A management association shall be established for all commercial developments with multiple principal buildings subdivided in a base lot/unit lot configuration that is to be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of driveways and parking areas, subject to review and approval of the city attorney.
4. Utilities:
  - a. Underground Or Exterior Service: All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
  - b. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.

- (1) Water Connection: A shutoff valve for each individual unit shall be provided.
- (2) Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.

N. Nursing homes and residential care facilities provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with section 11-21-9 of this title.
2. Only the rear yard shall be used for recreational areas. Said area shall be fenced and controlled and screened in compliance with section 11-21-9 of this title.
3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated by the use.
4. All state laws and statutes governing such uses are strictly adhered to and all required operating permits are secured.

O. Personal wireless service antennas not located on an existing structure or tower, as regulated by chapter 30 of this title.

P. Pet shops which may include pet grooming, pet supplies, and/or pet accessories, provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties or tenants in the case of multiple occupancy buildings.
2. Animal wastes are disposed at least once each day via an existing sanitary sewer system or enclosed in a container of sufficient construction at least once a day to minimize odors.

3. The floors and walls of pet grooming areas are made of nonporous materials or sealed concrete to make them nonporous.
  4. All applicable requirements of the city code regarding the keeping and care of animals are satisfactorily met.
  5. No commercial boarding or kenneling of animals shall be allowed.
  6. The breeding of cats and dogs is prohibited unless expressly allowed by the conditional use permit.
  7. All applicable provisions of Minnesota statutes sections 346.35 through 346.58 regarding the commercial keeping and care of animals are satisfactorily met.
  8. All animals to be sold are acquired from a licensed animal broker.
- Q. Principal building height of up to six (6) stories or sixty five feet (65'), whichever is less, provided that:
1. The minimum setback side or rear yard setback abutting residential zoned property shall be fifty feet (50').
- R. Religious institutions such as churches, chapels, temples, and synagogues, including social services.
- S. Theaters, indoor.
- T. Veterinary clinics provided that:
1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
  2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
  3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:

- a. The number of animals boarded shall not exceed twenty (20).
- b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
- c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty (60) degrees and seventy five (75) degrees Fahrenheit.
- d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
- e. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
- f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
- g. The appropriate license is obtained from the city clerk and the conditions of section 5-1-12 of the city code are met.
- h. All state health department and Minnesota pollution control agency requirements for such facilities are met.

11-73-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the C-3 district and are governed by chapter 5 of this title:

- A. Outdoor service, sale and rental as a principal or accessory use, provided that:
1. Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
  2. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with section 11-21-9 of this title.
  3. Sales area is surfaced with asphalt, concrete or pavers to control dust.
  4. The use does not take up parking space as required for conformity to this title.
  5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.
- B. Outdoor storage as a principal or accessory use, provided that:
1. The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right of way in compliance with section 11-21-9 of this title.
  2. The storage area is surfaced with asphalt, concrete or pavers surfaced to control dust.
  3. The storage area does not take up parking space as required for conformity to chapter 19 of this title.
  4. The storage does not include any waste, except as provided in section 11-18-11 of this title.
  5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.
- C. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

11-73-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in a C-3 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Open or outdoor sales, rental or display as an accessory use in association with an allowed principal use provided that:
  - 1. The area so occupied shall not exceed ten percent (10%) of the principal building.
  - 2. No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
  - 3. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by chapter 19 of this title, except as may be exempted for cause by the zoning administrator.
- C. Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by chapter 30 of this title.
- D. Temporary, outdoor promotional events and sales provided that:
  - 1. Outdoor Sales (Except Promotional Events, Christmas Trees And Transient Merchant Sales):
    - a. Such activity is directed towards the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales,

and seasonal merchandise sales (except Christmas trees).

- b. The following specific standards shall apply to all proposed temporary outdoor sales activities allowed by this subsection and by city code business licensing provisions in addition to other applicable building and safety code requirements as determined by the zoning administrator:
  - (1) The maximum total time for temporary outdoor sales activities shall be the period specified in the administrative permit and, in no case, shall exceed sixty (60) days per calendar year per property.
  - (2) There shall be no more sales activities than those specified in the administrative permit and, in no case, shall there be more than ten (10) sales activities per year per property.
  - (3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Temporary sales on unpaved landscaped areas is prohibited.

2. Promotional Events, Outdoor Christmas Tree And Transient Merchant Sales:

- a. Such activity is directed towards the general public and consists of the sales of cut evergreen trees, boughs, wreaths and other natural holiday decorations and related products, sales of produce or other licensed transient sales and displays of materials that are typically not sold or serviced on the site.
- b. The following specific standards shall apply to all proposed outdoor events and sales allowed by this subsection and by city code business licensing provisions in addition to other applicable building and safety code requirements as determined by the zoning administrator:



- (1) The maximum total time for sales activities shall be the period specified in the administrative permit and, in no case, shall exceed ninety (90) days per calendar year per property.
- (2) There shall be no more than one sales activity per year per property, which shall be in addition to any promotional events or other outdoor sales permitted on the property.
- (3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with seasonal parking demand, traffic, circulation or emergency vehicle access. Sales on unpaved landscaped areas are prohibited.

3. General Standards:

- a. The event shall be clearly accessory to or promoting the permitted or conditional use approved for the site. Only merchandise which is normally manufactured, sold, or stocked by the occupant on the subject premises, except Christmas trees and plant sales, shall be sold and/or promoted.
- b. Tents, stands, and other similar temporary structures may be utilized, provided they are clearly identified on the submitted plan and provided that it is determined by the zoning administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
- c. The submitted plan shall clearly demonstrate that adequate off street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the zoning administrator who shall consider the nature of the event and the applicable parking requirements of chapter 19 of this title. Consideration shall be given to the parking needs and requirements of

other occupants in the case of multiple tenant buildings. Parking on public right of way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the chief of police, at the petitioner's expense.

d. Signage related to the event shall be in compliance with the temporary sign standards of chapter 23 of this title and shall be allowed for the duration of the event. Special signage for purposes of traffic direction and control may be authorized by the zoning administrator; the erection and removal of such signage shall be the responsibility of the applicant.

e. The approved permit shall be displayed on the premises for the duration of the event.

E. Temporary structures as regulated by chapter 28 of this title.

F. WECS that comply with the height limit of this district, as regulated by chapter 29 of this title.

#### 11-73-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in a C-3 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot area	20,000 square feet
Lot width	100 feet
Setbacks:	
Front yards	30 feet
Rear yards	10 feet, or 30 feet abutting residential zoned property
Side yards	10-feet on any one side, or 30 feet on the side yard abutting a street or residential zoned property

11-73-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the C-3 district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 111.** Title 11, Chapter 74 of the City Code is hereby amended to read as follows:

CHAPTER 74

C-CBD, COMMERCIAL CENTRAL BUSINESS DISTRICT

SECTION:

11-74--1: Purpose  
11-74--3: Permitted Uses  
11-74--5: Permitted Accessory Uses  
11-74--7: Conditional Uses  
11-74--9: Interim Uses  
11-74-11: Uses By Administrative Permit  
11-74-13: Design Standards  
11-74-15: Lot Requirements And Setbacks  
11-74-17: Building Height

11-74-1: PURPOSE:

The purpose of the C-CBD district is to provide specifically for the regulation of high intensity commercial uses located within the central business district.

11-74-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in a C-CBD district:

- A. Bank, savings and loan, savings credit unions and other financial institutions.
- B. Commercial recreation, indoor.
- C. Funeral homes and mortuaries.
- D. Governmental and public utility buildings and structures, city of Lakeville only.
- E. Hotels.
- F. Instructional classes.
- G. Office businesses.
- H. Performing arts centers.
- I. Public garages and parking lots; city of Lakeville only.
- J. Restaurants, general with on- and off-sale liquor.
- K. Retail businesses.
- L. Service Businesses, on and off site.
- M. Sexually oriented uses, principal.

11-74-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in a C-CBD district:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by chapter 21 of this title.
- C. Ground source heat pump systems as regulated by chapter 29 of this title.
- D. Off-street loading as regulated by chapter 20 of this title.

- E. Off-street parking as regulated by chapter 19 of this title, but not including semitrailer trucks, except in designated loading areas not to exceed four (4) hours.
- F. Satellite TVROs as regulated by chapter 30 of this title.
- G. Secondary or accessory use antennas or satellites as regulated by chapter 30 of this title.
- H. Sexually oriented uses, accessory.
- I. Signs as regulated by chapter 23 of this title.
- J. Solar energy systems as regulated by chapter 29 of this title

11-74-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in a C-CBD district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Automobile repair, major provided that:
  - 1. All building materials and construction including those of accessory structures must be in conformance with section 11-17-9 of this title.
  - 2. Not less than twenty five percent (25%) of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.
  - 3. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the city engineer.
  - 4. The following minimum requirements shall apply:

Lot Area:	1 acre
Lot Width:	100 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	20 feet on any one side, or 30 feet on the side yard abutting the major street or residentially zoned property

5. The hours of operation shall be between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. Evening hours of operation shall be subject to the approval of the city council.
  6. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with the Minnesota Pollution Control Standards, Minnesota regulation APC 1-15, as amended.
  7. The emission of odor by a use shall be in compliance with and regulated by the Minnesota Pollution Control Standards, Minnesota Regulation APC, as amended.
  8. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code.
  9. All outside storage is prohibited. The storage of damaged vehicles, vehicles being repaired and vehicle parts and accessory equipment must be completely inside a principal or accessory building.
  10. All conditions pertaining to a specific site are subject to change when the city council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served by modifying the conditions.
- B. Auto repair, minor provided that:

1. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the city engineer.
  - 2 A curb not less than six inches (6") above grade shall separate the public sidewalk from motor vehicle service areas.
  - 3 Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
  - 4 No outside storage except as allowed in compliance with this chapter.
  - 5 Sale of products other than those specifically mentioned in this section be subject to a conditional use permit and be in compliance with this section.
  - 6 All conditions pertaining to a specific site are subject to change when the city council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.
- C. Bottled gas sales outside of activities included with motor fuel sales in chapter 37 of this title, provided that:
1. Retail sales activities connected with the principal use must constitute at least fifty percent (50%) of the gross floor area of the principal use.
  2. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota uniform fire code. In addition, the conditional use permit shall be reviewed and subject to conditions set forth by the city fire marshal.
  3. All outside storage is prohibited. The storage of all accessory equipment related to the storage and sale of flammable fuels must be completely inside a principal or accessory building.
- D. Buildings combining residential and nonresidential uses allowed in this district, provided that:

1. The residential and nonresidential uses shall not conflict in any manner.
  2. The residential design and construction standards as outlined in the RH-1 district are met.
- E. Commercial car washes (drive-through, mechanical and self-service) provided that:
1. A car wash that is accessory to a convenience store/motor fuel facility shall be included as part of the principal building.
  2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.
  3. Magazine or stacking space must not interfere with on-site circulation patterns or required on-site parking or loading areas.
  4. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
  5. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with the car wash operation, dryer and vacuum machines.
    - a. Where the car wash operation is within five hundred feet (500') of a residential district, the exterior vehicle doors of the car wash must remain closed during the entire operation cycle.
  6. The location and operation of vacuum machines must not interfere with magazines or stacking areas on-site circulation or on-site parking and loading areas, and may not be located in a yard abutting residentially zoned property.
  7. Untreated water from the car wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official, and subject to applicable requirements of metropolitan council environmental services and MPCA.



F. Community preschool, latchkey and adult education facilities provided that:

1. Licensing: The employees and facility are licensed by the state department of human services and comply with the minimum requirements of the department of welfare.
2. Ages: The ages of the children attending the preschool range from three (3) years to twelve (12) years.
3. Hours: The hours of operation coincide with those of the commercial retail stores in the area or complex.
4. Attendance: The attendance of children in the latchkey and preschool program is on a long term scheduled enrollment program instead of on a temporary, sporadic basis.
5. Lot Requirements And Setbacks: The proposed site for a community preschool, latchkey and adult education facility must have a minimum lot area as determined by the Minnesota department of welfare. The city council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain public health, safety and general welfare. The community preschool, latchkey and adult education facility must meet the minimum setback requirements of the respective zoning district.
6. Sewer And Water: All community preschool, latchkey and adult education facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.
7. Screening: Where the community preschool, latchkey and adult education facility is in or abuts any residential use or zoned property, the community preschool, latchkey and adult education facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-21-5 and 11-21-9 of this title.
8. Parking:

- a. When a community preschool, latchkey and adult education facility is a use within a structure containing another principal use, each use shall be calculated separately for determining the total off street parking spaces required.
  - b. Parking and loading areas shall be separate from any outdoor play area.
- 9. Community Preschool, Latchkey And Adult Education Building/Space: The building plans for the construction or alteration of a structure that shall be used as a community preschool, latchkey and adult education facility shall be submitted to the city for review by the building official to ensure the structure is in compliance with the state fire and building codes. The facility shall meet the following conditions:
  - a. The architectural appearance and functional plan of the building and site shall comply with the requirements of Section 11-17-9 of this title.
  - b. When the community preschool, latchkey and adult education facility is a use within a multitenant building, it shall be located in a portion of the building separated from the other uses located within the structure.
  - c. The community preschool, latchkey and adult education facility shall be adequately soundproofed to remove extraneous noise that would interfere with the community preschool, latchkey and adult education operation and would affect the health, safety and welfare of the community preschool, latchkey and adult education participants.
- G. Daycare facilities as a principal or accessory use provided that the use complies with the provisions of chapter 31 of this title.
- H. Drive-in and convenience food establishments, provided that:
  - 1. Hours: The hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M.,

unless extended by the city council as part of the conditional use permit.

2. Architectural Standards:

- a. As a part of the conditional use permit application, a color illustration of all building elevations must be submitted.
- b. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, so as not to constitute a blighting influence.
- c. All sides of the principal and accessory structures are to have essentially the same or a coordinated harmonious finish treatment pursuant to section 11-17-9 of this title.
- d. Exterior wall treatments like brick, stone (natural or artificial), decorative concrete block and stucco shall be used.
- e. Earth tone colors of exterior materials including the canopy columns shall be required. "Earth tone colors" shall be defined as any various soft colors like those found in nature in soil, vegetation, etc., such colors are limited to brown, black, grey, tan, beige, soft green, soft blue, or white.
- f. Ten percent (10%) of the building facade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones. The canopy may have contrasting color bands or accent lines not to exceed an accumulative width of four inches (4"). The color bands shall not be illuminated.

3. Landscaping:

- a. At least twenty five percent (25%) of the lot, parcel or tract of land shall remain as a grass plot, including trees, shrubbery, plantings or fencing and shall be landscaped. Required minimum green area should be emphasized in the front and

side yards abutting streets or residential property.

- b. At the boundaries of the lot, the following landscape area shall be required:
  - (1) From side and rear property lines, an area of not less than five feet (5') wide shall be landscaped in compliance with section 11-21-9 of this title.
  - (2) From all road rights of way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with section 11-21-9 of this title.
  - (3) Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in compliance with section 11-21-9 of this title.
  - (4) The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.
- 4. Dust Control And Drainage: The entire area other than occupied by buildings, structures or plantings shall be surfaced with asphalt, concrete, cobblestone, or paving brick to control dust and drainage, which is subject to review and approval of the city engineer.
- 5. Exterior Lighting: The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with section 11-16-17 of this title. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:
  - a. Lighting at the periphery of the site and building shall be directed downward, and individual lights shall not exceed fifteen (15) foot-candles at ground level.
  - b. Maximum site illumination shall not exceed one foot-candle at ground level when measured at any

boundary line with an adjoining residential property or any public property.

- c. Except for permitted wall signage the building fascia shall not be illuminated.
- 6. Access: Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with chapter 19 of this title and shall be subject to the approval of the city engineer.
  - 7. Drive-Through Windows: Service windows shall be allowed if the following additional criteria are satisfied:
    - a. Stacking: Not less than one hundred eighty feet (180') of segregated automobile stacking lane must be provided for the service window.
    - b. Traffic Control: The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
    - c. Use Of Street: No part of the public street or boulevard may be used for stacking of automobiles.
  - 8. Circulation And Loading: The site design must accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas must be exclusive of off street parking stalls and drive aisles and shall not cause conflicts with customer vehicles and pedestrian movement. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.
  - 9. Pedestrian Traffic:
    - a. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles. In front of the principal structure, the pedestrian sidewalk must be a minimum of five feet (5') wide and clear of any obstacle or impediment.

- b. A continuous and permanent concrete curb not less than six inches (6") above grade shall separate internal sidewalks for pedestrian traffic from motor vehicle areas, pursuant to the provisions of subsection 11-19-7I of this title.
- 10. Noise: The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Noise control shall be required as regulated in section 11-16-25 of this title.
- 11. Signs: All signs and informational or visual communication devices shall be minimized and shall be in compliance with chapter 23 of this title.
- 12. Additional Stipulations: All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.
- I. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- J. Fitness centers limited to two thousand (2,000) square feet of gross floor area or less provided that:
  - 1. Adequate off-street parking and off-street loading shall be provided in compliance with chapters 19 and 20 of this title.
  - 2. The total number of stations shall not exceed one per one hundred (100) square feet of gross floor area.
  - 3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
  - 4. Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M. unless allowed by the city council.

- K. Governmental and public utility buildings and structures, other than city of Lakeville.
- L. Motor vehicle fuel sales with or without convenience grocery and/or prepared food as regulated by chapter 37 of this title.
- M. Multiple principal buildings on one lot of record, provided that:
  - 1. The lot shall conform to the minimum lot area, lot width, and setback requirements of section 11-75-13 of this chapter.
  - 2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').
  - 3. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:
    - a. All of the property including buildings and common areas shall be owned by a single entity.
    - b. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
    - c. The property shall be divided into a base lot and unit lots to allow for individual ownership of the principal buildings or individual tenant spaces within the principal building, with each owner of a unit lot having an equal and undivided interest in the common area, subject to the following requirements:
      - (1) The tenant space related to each unit lot shall have an exclusive exterior entrance.
      - (2) A management association shall be established for all commercial developments with multiple principal buildings subdivided in a base lot/unit lot configuration that is to be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping,

snow clearing and regular maintenance of driveways and parking areas, subject to review and approval of the city attorney.

4. Utilities:

a. Underground Or Exterior Service: All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.

b. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.

(1) Water Connection: A shutoff valve for each individual unit shall be provided.

(2) Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.

N. Nursing homes and residential care facilities provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with section 11-21-9 of this title.
2. Only the rear yard shall be used for recreational areas. Said area shall be fenced and controlled and screened in compliance with section 11-21-9 of this title.
3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
4. All state laws and statutes governing such uses are strictly adhered to and all required operating permits are secured.



- O. Off-street Parking as a principal use; other than city of Lakeville.
- P. Personal wireless service antennas not located on an existing structure or tower, as regulated by chapter 30 of this title.
- Q. Pet shops which may include pet grooming, pet supplies, and/or pet accessories, provided that:
  - 1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties or tenants in the case of multiple occupancy buildings.
  - 2. Animal wastes are disposed at least once each day via an existing sanitary sewer system or enclosed in a container of sufficient construction at least once a day to minimize odors.
  - 3. The floors and walls of pet grooming areas are made of nonporous materials or sealed concrete to make them nonporous.
  - 4. All applicable requirements of the city code regarding the keeping and care of animals are satisfactorily met.
  - 5. No commercial boarding or kenneling of animals shall be allowed.
  - 6. The breeding of cats and dogs is prohibited unless expressly allowed by the conditional use permit.
  - 7. All applicable provisions of Minnesota statutes sections 346.35 through 346.58 regarding the commercial keeping and care of animals are satisfactorily met.
  - 8. All animals to be sold are acquired from a licensed animal broker.
- R. Religious institutions such as churches, chapels, temples, and synagogues, including social services.
- S. Theaters, indoor.
- T. Veterinary clinics, provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
2. Animal carcasses are properly disposed of in a manner not utilizing on site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
3. An animal kennel is permitted as a use accessory to the veterinary clinic, provided that:
  - a. The number of animals boarded shall not exceed twenty (20).
  - b. An indoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
  - c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty degrees and seventy five degrees Fahrenheit (75).
  - d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
  - e. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
  - f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
  - g. The appropriate license is obtained from the city clerk and the conditions of section 5-1-12 of the city code are met.

- h. All state health department and Minnesota pollution control agency requirements for such facilities are met.

11-74-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the C-CBD district and are governed by chapter 5 of this title:

- A. Outdoor service, sale and rental as a principal or accessory use, provided that:
  - 1. Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
  - 2. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with section 11-21-9 of this title.
  - 3. Sales area is surfaced with asphalt, concrete or pavers to control dust.
  - 4. The use does not take up parking space as required for conformity to this title.
  - 5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.
- B. Outdoor storage as a principal or accessory use, provided that:
  - 1. The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right of way in compliance with section 11-21-9 of this title.
  - 2. The storage area is surfaced with asphalt, concrete or pavers surfaced to control dust.
  - 3. The storage area does not take up parking space as required for conformity to chapter 19 of this title.

4. The storage does not include any waste, except as provided in section 11-18-11 of this title.
  5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.
- C. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

11-74-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in a C-CBD district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Open or outdoor sales, rental or display as an accessory use in association with an allowed principal use provided that:
  1. The area so occupied shall not exceed ten percent (10%) of the principal building.
  2. No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
  3. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by chapter 19 of this title, except as may be exempted for cause by the zoning administrator.
- C. Outdoor seating areas accessory to a restaurant use:

1. The tables, chairs and other furniture of the seating area shall only be outdoors when the business is open to the public.
  2. The seating area shall be located on the business property. Outdoor seating areas may be located upon public sidewalks directly abutting the business property subject to the following provisions
    - a. A minimum five foot (5') pedestrian walkway shall be maintained upon the public sidewalk so as not to obstruct pedestrian traffic.
    - b. The outdoor seating area shall be set back a minimum of five feet (5') from the back of curb of a public street or private drive aisle.
    - c. The owner of the business property with an outdoor seating area located upon public sidewalks shall provide a certificate of general liability insurance with minimum coverage of three hundred thousand dollars (\$300,000.00) naming the city as an additional insured.
- D. Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by chapter 30 of this title.
- E. Temporary, outdoor promotional events and sales provided that:
1. Outdoor Sales (Except Promotional Events, Christmas Trees And Transient Merchant Sales):
    - a. Such activity is directed towards the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction or liquidation sales, distressed merchandise sales, and seasonal merchandise sales (except Christmas trees).
    - b. The following specific standards shall apply to all proposed temporary outdoor sales activities allowed by this subsection and by city code business licensing provisions in addition to other applicable building and safety code

requirements as determined by the zoning administrator:

- (1) The maximum total time for temporary outdoor sales activities shall be the period specified in the administrative permit and, in no case, shall exceed sixty (60) days per calendar year per property.
- (2) There shall be no more sales activities than those specified in the administrative permit and, in no case, shall there be more than ten (10) sales activities per year per property.
- (3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with parking, traffic circulation or emergency vehicle access. Temporary sales on unpaved landscaped areas is prohibited.

2. Promotional Events, Outdoor Christmas Tree And Transient Merchant Sales:

- a. Such activity is directed towards the general public and consists of the sales of cut evergreen trees, boughs, wreaths and other natural holiday decorations and related products, sales of produce or other licensed transient sales and displays of materials that are typically not sold or serviced on the site.
- b. The following specific standards shall apply to all proposed outdoor events and sales allowed by this subsection and by city code business licensing provisions in addition to other applicable building and safety code requirements as determined by the zoning administrator:
  - (1) The maximum total time for sales activities shall be the period specified in the administrative permit and, in no case, shall exceed ninety (90) days per calendar year per property.
  - (2) There shall be no more than one sales activity per year per property, which shall

be in addition to any promotional events or other outdoor sales permitted on the property.

- (3) Sales activities may be conducted within a required yard provided the area is paved and the activity does not interfere with seasonal parking demand, traffic, circulation or emergency vehicle access. Sales on unpaved landscaped areas are prohibited.

3. General Standards:

- a. The event shall be clearly accessory to or promoting the permitted or conditional use approved for the site. Only merchandise which is normally manufactured, sold, or stocked by the occupant on the subject premises, except Christmas trees and plant sales, shall be sold and/or promoted.
- b. Tents, stands, and other similar temporary structures may be utilized, provided they are clearly identified on the submitted plan and provided that it is determined by the zoning administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
- c. The submitted plan shall clearly demonstrate that adequate off street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the zoning administrator who shall consider the nature of the event and the applicable parking requirements of chapter 19 of this title. Consideration shall be given to the parking needs and requirements of other occupants in the case of multiple tenant buildings. Parking on public right of way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the chief of police, at the petitioner's expense.

- d. Signage related to the event shall be in compliance with the temporary sign standards of chapter 23 of this title and shall be allowed for the duration of the event. Special signage for purposes of traffic direction and control may be authorized by the zoning administrator; the erection and removal of such signage shall be the responsibility of the applicant.
  - e. The approved permit shall be displayed on the premises for the duration of the event.
- F. Temporary structures as regulated by chapter 28 of this title.
- G. WECS that comply with the height limit of this district, as regulated by chapter 29 of this title.

11-74-1: DESIGN STANDARDS:

Site and building design within the C-CBD district shall maintain a high standard of architectural and aesthetic quality in conformance with the comprehensive plan and the Downtown Development Guide.

11-74-15: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in a C-CBD district subject to additional requirements, exceptions and modifications set forth in this title:

Lot Area:	None
Lot Width:	None
Setbacks:	30 feet where abutting residential zoned property

11-74-17: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth



in this title, no structure within the C-CBD district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 112.** Title 11, Chapter 75 of the City Code is hereby amended to read as follows:

#### CHAPTER 75

#### O-P, OFFICE PARK DISTRICT

##### SECTION:

- 11-75--1: Purpose
- 11-75--3: Permitted Uses
- 11-75--5: Permitted Accessory Uses
- 11-75--7: Conditional Uses
- 11-75--9: Interim Uses
- 11-75-11: Uses By Administrative Permit
- 11-75-13: Design And Performance Standards

##### 11-75-1: PURPOSE:

The purpose of the O-P district is to provide for the establishment of business offices, wholesale showrooms, and related uses in an environment which provides a high level of amenities, including landscaping, preservation of natural features, architectural controls, pedestrian trails, and other features.

##### 11-75-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following uses are permitted uses in an O-P district:

- A. Commercial printing establishments.
- B. Conference centers.

- C. Governmental and public utility buildings and structures; city of Lakeville only.
- D. Hotels.
- E. Indoor commercial recreation.
- F. Laboratories, research and development facilities.
- G. Office businesses.
- H. Radio and television stations.
- I. Trade and post secondary schools.
- J. Wholesale showrooms.

11-75-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in the O-P district:

- A. Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by chapter 21 of this title.
- C. Ground source heat pump systems as regulated by chapter 29 of this title.
- D. Off-street loading as regulated by chapter 20 of this title.
- E. Off-street parking as regulated by chapter 19 of this title, but not including semitrailer trucks, except in designated loading areas not to exceed four (4) hours.
- F. Satellite TVROs as regulated by chapter 30 of this title.
- G. Secondary or accessory use antennas or satellites as regulated by chapter 30 of this title.
- H. Sexually oriented uses, accessory.

- I. Signs as regulated by chapter 23 of this title.
- J. Solar energy systems as regulated by chapter 29 of this title

11-75-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an O-P district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

A. Commercial recreation facilities, provided that:

1. The architectural appearance and function plan of the building and the site shall be designed with a high standard of architectural and aesthetic compatibility with surrounding properties. Building materials, orientation, colors, height, roof design, lighting, signage and site landscaping shall be designed to complement the surrounding properties and demonstrate potential reuse as allowed in this district. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious exterior finish treatment.
2. A commercial recreational use shall not be located within a shared tenancy building containing a use classified as an "H" occupancy as defined by Minnesota state building code, as may be amended.
3. In multiple occupancy buildings, a material safety data sheet (MSDS) shall be required identifying all materials stored or used in the operation of the tenant businesses. Any change in building tenants shall require that the MSDS be updated and provided to all other tenants in the multitenant building.
4. A commercial recreational use in a shared tenancy building shall have its own exterior entrance and exit.

5. The site must be accessed via a collector street. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with chapter 19 of this title and shall be subject to the approval of the city engineer.
- B. Compounding, assembly, or packaging of products and materials, provided that:
  1. The proposed use is not a waste facility.
- C. Daycare as a principal or accessory use, provided that the use complies with the provisions of chapter 31 of this title.
- D. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- E. Fitness centers and health clubs provided that:
  1. Adequate off-street parking and off-street loading shall be provided in compliance with chapters 19 and 20 of this title.
  2. The total number of stations shall not exceed one per one hundred (100) square feet of gross floor area.
  3. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
  4. Hours of operation shall be limited to five o'clock (5:00) A.M. to eleven o'clock (11:00) P.M. unless allowed by the city council
- F. Governmental and public utility buildings and structures, other than city of Lakeville.
- G. Hospitals.
- H. Indoor limited retail sales and service accessory to office/manufacturing uses, provided that:
  1. Location:

- a. All sales are conducted in a clearly defined area of the principal building reserved exclusively for retail sales. Said sales area must be physically segregated from other principal activities in the building.
    - b. The retail sales area must be located on the ground floor of the principal building.
  2. Sales Area: The retail sales and service activity shall not occupy more than fifteen percent (15%) of the gross floor area of the building.
  3. Access: The building where such use is located has access without the necessity of using residential streets.
  4. Hours: Hours of operation are limited to six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.
- I. Multiple principal buildings on one lot of record, provided that:
1. The lot shall conform to the minimum lot area, lot width, and setback requirements of section 11-75-13 of this chapter.
  2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').
  3. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:
    - a. All of the property including buildings and common areas shall be owned by a single entity.
    - b. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
    - c. The property shall be divided into a base lot and unit lots to allow for individual ownership of the principal buildings or individual tenant spaces within the principal building, with each owner of a unit lot having an equal and undivided

interest in the common area, subject to the following requirements:

- (1) The tenant space related to each unit lot shall have an exclusive exterior entrance.
- (2) A management association shall be established for all commercial developments with multiple principal buildings subdivided in a base lot/unit lot configuration that is to be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of driveways and parking areas, subject to review and approval of the city attorney.

4. Utilities:

- a. Underground Or Exterior Service: All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
- b. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.
  - (1) Water Connection: A shutoff valve for each individual unit shall be provided.
  - (2) Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.

J. Personal wireless service antennas not located on an existing structure or tower as regulated by chapter 30 of this title.

K. Warehousing and self storage facilities, provided that:

1. The proposed use is not a waste facility.

#### 11-75-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the O-P district and are governed by chapter 5 of this title:

- A. Accessory, enclosed temporary (exceeding 30 days) retail, rental, or service activity other than that allowed as a permitted use or conditional use within this section, provided that:
  - 1. Such use is allowed as a permitted use in a commercial district.
  - 2. Such use does not constitute more than twenty five percent (25%) of the gross floor area of the principal building.
- B. Temporary commercial structures, as regulated by chapter 28 of this title.
- C. Uses as allowed in the I-1 District existing as of May 17, 2010.
  - 1. The interim use shall terminate upon redevelopment or subdivision of the property for a use allowed within the C-O district or as provided for by section 11-5-7 of this title.
- D. WECS that exceed the height limit of this district, as regulated by chapter 29 of this title.

#### 11-75-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an O-P district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.

B. Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by chapter 30 of this title.

C. Temporary, outdoor promotional events, not including sales, provided that:

1. Promotional Events:

- a. Such activity is directed towards the general public and includes grand openings, carnivals, craft shows, flea markets, mechanical and animal rides and displays of materials that are typically not sold or serviced on the site.
- b. The event shall not exceed the period specified in the administrative permit and in no case shall the event exceed three (3) consecutive calendar days per event; two (2) of the days shall be a Saturday and a Sunday.
- c. There shall be no more than two (2) promotional events per calendar year per property.
- d. A certificate of insurance shall be provided.

2. General Standards:

- a. The event shall be clearly accessory to or promoting the permitted or conditional use approved for the site. Only merchandise which is normally manufactured, sold, or stocked by the occupant on the subject premises shall be promoted.
- b. Tents, stands, and other similar temporary structures may be utilized, provided they are clearly identified on the submitted plan and provided that it is determined by the zoning administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.
- c. The submitted plan shall clearly demonstrate that adequate off street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with



this requirement shall be made by the zoning administrator who shall consider the nature of the event and the applicable parking requirements of chapter 19 of this title. Consideration shall be given to the parking needs and requirements of other occupants in the case of multitenant buildings. Parking on public right of way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the chief of police, at the petitioner's expense.

d. Signage related to the event shall be in compliance with the temporary sign standards of chapter 23 of this title and shall be allowed for the duration of the event. Special signage for purposes of traffic direction and control may be authorized by the zoning administrator; the erection and removal of such signage shall be the responsibility of the applicant.

e. The approved permit shall be displayed on the premises for the duration of the event.

D. Temporary structures as regulated by chapter 28 of this title.

E. WECS that comply with the height limit of this district, as regulated by chapter 29 of this title.

#### 11-75-13: DESIGN AND PERFORMANCE STANDARDS:

The following minimum requirements shall be observed in the O-P district subject to additional requirements, exceptions and modifications set forth in this title:

A. Site Plan Requirements: In addition to the requirements as specified in chapter 9 of this title, the following information shall be provided unless an exception is granted by the zoning administrator.

1. Detailed description of maintenance procedures and grounds supervision.

2. Detailed phasing plan showing future additions, if area will be developed a portion at a time.

B. Lot Requirements And Setbacks:

Lot Area:	30,000 square feet
Lot Coverage:	30 percent of the lot, parcel or tract of land shall remain as a grass plot including shrubbery, plantings, or fencing and shall be landscaped
Lot Setback Requirements:	
Front yards	50 feet
Rear yards	30 feet or 40 feet abutting a residential zoning district
Side yards	10 feet on any one side, or 30 feet on the side yard abutting a street. 40 feet on the side yard abutting a residential zoning district
Lot Width:	100 feet

C. Building Height: Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the O-P district shall exceed the following height:

1. Principal Buildings: Six (6) stories or sixty five feet (65'), whichever is less.
2. Accessory Buildings: As regulated by section 11-18-9.C of this title.

D. Building Type And Construction: All building materials and construction must be in conformance with section 11-17-9 of this title.

E. Parking:

1. The parking area shall be set back a minimum of ten feet (10') from any property line.

2. The parking lot in front of the building shall be screened from the street and from adjoining property in conformance with the provisions of sections 11-21-5 and 11-21-9 of this title.
- F. Loading: Any structure erected or altered for a use which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, shall provide off street loading space in conformance with the provisions of chapter 20 of this title and the following additional requirements:
1. A detailed off street loading plan including berths, area, and access shall be submitted to the zoning administrator for review and approval prior to issuance of a building permit.
  2. The location of the loading area shall not be in the front of the building.
  3. All areas intended to be used for loading including access shall be surfaced with bituminous materials or concrete.
- G. Waste And Recycling Receptacles: All waste and recycling receptacles shall be stored within the principal structure or within an accessory enclosure area, totally screened from eye level view. Screening shall be at least six feet (6') in height and provide a minimum opacity of eighty percent (80%). All enclosures and receptacles shall be kept in a good state of repair and waste receptacles shall include secure lids or covers to properly contain the waste. All waste and recycling receptacles not contained within principal structures shall be enclosed in conformance with the following:
1. Exterior wall treatment shall be similar and/or complement the principal building.
  2. The enclosure shall be located in the rear or side yard and comply with setback requirements.
  3. The enclosure must be accessible to waste and recycling collection vehicles.
- H. Landscaping: A detailed landscaping plan in conformance with chapter 21 of this title shall be submitted to the

zoning administrator and approved before a building permit may be obtained.

- I. Usable Open Space: Every effort shall be made to preserve natural ponding areas and features of the land to create passive open spaces.
- J. Outdoor Storage: Outdoor storage is a permitted accessory use under the following conditions:
  - 1. The storage area is in compliance with chapter 22 of this title.
  - 2. The area is fully fenced, screened and landscaped from adjacent properties according to a plan approved by the zoning administrator and a landscape security as determined by the zoning administrator is provided.
  - 3. Storage area shall be limited to a maximum of twenty percent (20%) of the gross lot area.
  - 4. Storage area shall be in the rear yard only and set back thirty feet (30') from all property lines.
  - 5. The storage area is surfaced with bituminous materials to control dust.
  - 6. The storage does not include any waste, except as provided in section 11-18-11 of this title.
- K. Signage: A comprehensive sign plan must be submitted in conformance with chapter 23 of this title.

**Section 113.** Title 11, Chapter 85 of the City Code is hereby amended to read as follows:

#### CHAPTER 85

#### I-CBD, INDUSTRIAL - CENTRAL BUSINESS DISTRICT

#### SECTION:

- 11-85--1: Purpose
- 11-85--3: Permitted Uses
- 11-85--5: Permitted Accessory Uses
- 11-85--7: Conditional Uses
- 11-85--9: Interim Uses

11-85-11: Uses By Administrative Permit  
11-85-13: Lot Requirements And Setbacks  
11-85-15: Building Height

11-85-1: PURPOSE:

The purpose of the I-CBD district is to provide specifically for the regulation of manufacturing, wholesaling and warehousing uses located within the central business district of the city as defined by the comprehensive plan.

11-85-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following uses are permitted uses in an I-CBD district:

- A. Auto repair, minor.
- B. Building materials sales.
- C. Commercial printing establishments.
- D. Compounding, assembly, packaging, treatment, or storage of products and materials except waste.
- E. Governmental and public utility buildings and structures; city of Lakeville only.
- F. Laboratories, research and development facilities.
- G. Manufacturing.
- H. Offices, general.
- I. Radio and television stations.
- J. Trade schools.
- K. Warehousing including self-storage facilities
- L. Wholesale businesses.

11-85-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an I-CBD district:

- A. Buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by chapter 21 of this title.
- C. Ground source heat pump systems as regulated by Chapter 29 of this title.
- D. Off-street loading as regulated by chapter 20 of this title.
- E. Off-street parking as regulated by chapter 19 of this title, including semitrailer trucks.
- F. Satellite TVROs less than two meters (2 m) in diameter as regulated by chapter 30 of this title.
- G. Secondary or accessory use antennas or satellites as regulated by chapter 30 of this title.
- H. Sexually oriented uses, accessory.
- I. Signs as regulated by chapter 23 of this title.
- J. Solar energy systems as regulated by Chapter 29 of this title.

#### 11-85-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an I-CBD district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this title, provided that:

1. Such use is allowed as a permitted use in a C-1 district.
  2. Such use does not constitute more than thirty percent (30%) of the lot area and not more than fifty percent (50%) of the gross floor area of the principal use.
- B. Commercial recreation facilities, provided that:
1. The architectural appearance and function plan of the building and the site shall be designed with a high standard of architectural and aesthetic compatibility with surrounding properties. Building materials, orientation, colors, height, roof design, lighting, signage and site landscaping shall be designed to complement the surrounding industrial properties and demonstrate potential industrial reuse. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious exterior finish treatment.
  2. A commercial recreational use shall not be located within a shared tenancy building containing a use classified as an "H" occupancy as defined by Minnesota state building code, as may be amended.
  3. In multiple occupancy buildings, a material safety data sheet (MSDS) shall be required identifying all materials stored or used in the operation of the tenant businesses. Any change in building tenants shall require that the MSDS be updated and provided to all other tenants in the multitenant building.
  4. A commercial recreational use in a shared tenancy building shall have its own exterior entrance and exit.
  5. The site must be accessed via a collector street. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with chapter 19 of this title and shall be subject to the approval of the city engineer.
- C. Daycare facilities as a principal or accessory use provided that the use conforms to the provisions of chapter 31 of this title.

- D. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- E. Governmental and public utility buildings and structures; other than city of Lakeville.
- F. Multiple principal buildings on one lot of record, provided that:
  - 1. The lot shall conform to the minimum lot area, lot width, and setback requirements of section 11-85-13 of this chapter.
  - 2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').
  - 3. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:
    - a. All of the property including buildings and common areas shall be owned by a single entity.
    - b. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
    - c. The property shall be divided into a base lot and unit lots to allow for individual ownership of the principal buildings or individual tenant spaces within the principal building, with each owner of a unit lot having an equal and undivided interest in the common area, subject to the following requirements:
      - (1) The tenant space related to each unit lot shall have an exclusive exterior entrance.
      - (2) A management association shall be established for all commercial developments with multiple principal buildings subdivided in a base lot/unit lot configuration that is to be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of



driveways and parking areas, subject to review and approval of the city attorney.

4. Utilities:

- a. Underground Or Exterior Service: All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
- b. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.

- (1) Water Connection: A shutoff valve for each individual unit shall be provided.

- (2) Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.

G. Personal wireless service antennas not located on an existing structure or tower as regulated by chapter 30 of this title.

H. Satellite dish TVROs greater than two meters (2 m) in diameter as regulated by chapter 30 of this title.

11-85-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the I-CBD district and are governed by chapter 5 of this title:

- A. Commercial and public radio and television transmitting antennas, public safety communication antennas, and public utility microwave antennas as regulated by chapter 30 of this title.
- B. Outdoor service, sale and rental as an accessory use, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
2. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with section 11-21-9 of this title.
3. Sales area is surfaced with asphalt, concrete or pavers to control dust.
4. The use does not take up parking space as required for conformity to this title.
5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.

C. Outdoor storage as a principal use, provided that:

1. The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right of way in compliance with section 11-21-9 of this title.
2. The storage area is surfaced with asphalt, concrete or pavers surfaced to control dust.
3. The storage area does not take up parking space as required for conformity to chapter 19 of this title.
4. The storage does not include any waste, except as provided in section 11-18-11 of this title.
5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.

D. WECS that exceed the height limit of this district, as regulated by chapter 29 of this title.

11-85-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an I-CBD district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Outside, aboveground storage facilities for fuels used for heating purposes, or for motor fuel dispensing purposes related to the approved principal use, but not for sale. Such facilities shall be limited to liquefied petroleum and propane gas used for standby heating and to equipment used for dispensing such gaseous fields to vehicles and containers which are used in conjunction with the allowed principal use. The location and design of such facilities for new developments shall be included with the site plan submitted for review and approved as required by this title. The location and design of such facilities for existing developments in all cases shall be subject to the approval of the zoning administrator and the following criteria:
  - 1. The design, construction, and location of the equipment must comply with state and city codes including appropriate National Fire Protection Association specifications, Minnesota uniform fire code requirements, and manufacturer's specifications.
  - 2. An accurate site plan for the development based upon a certified survey, shall be submitted showing to scale the location of the storage equipment, including any fencing and landscaping relating to the safety and screening of the equipment.
  - 3. Solid wall enclosures should not be used to assure that fire hose streams can be directed onto the storage equipment with minimal obstruction.
  - 4. Equipment must be located so as not to obstruct approved parking spaces, driving aisles, fire lanes, utility easements, or required building ingress or egress points.

5. No signage shall be permitted, other than required safety information, product identification, product hazards, and operation instructions. For the purpose of this chapter, "signage" included words, graphics, logos, and symbols.
- C. Personal wireless service antennas including temporary mobile towers, as regulated by chapter 30 of this title.
- D. Sales, rental or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that:
  1. The area so occupied shall not exceed ten percent (10%) of the principal building.
  2. No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
  3. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by chapter 19 of this title, except as may be exempted for cause by the zoning administrator.
- E. Temporary structures as regulated by chapter 28 of this title.
- F. WECS that comply with the height limit of this district, as regulated by chapter 29 of this title.

11-85-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an I-CBD district subject to additional requirements, exceptions and modifications set forth in this title:

Lot Area:	None
Lot Width:	None
Setbacks:	5 feet from a property line and 30 feet where abutting a residential district

11-85-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the I-CBD district shall exceed the following height:

- A. Principal Buildings: Four (4) stories or forty five feet (45'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 114.** Title 11, Chapter 86 of the City Code is hereby amended to read as follows:

CHAPTER 86

I-1, LIGHT INDUSTRIAL DISTRICT

SECTION:

- 11-86--1: Purpose
- 11-86--3: Permitted Uses
- 11-86--5: Permitted Accessory Uses
- 11-86--7: Conditional Uses
- 11-86--9: Interim Uses
- 11-86-11: Uses By Administrative Permit
- 11-86-13: Lot Requirements And Setbacks
- 11-86-15: Building Height

11-86-1: PURPOSE:

The purpose of the I-1 district is to provide for the establishment of warehousing and light industrial development. The overall character of the I-1 district is intended to have an office/warehouse character, thus industrial uses allowed in this district shall be limited to those which can compatibly exist adjacent to both lower intensity business uses and high intensity manufacturing uses.

11-86-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this Title, the following are permitted uses in an I-1 District:

- A. Automobile repair, minor.
- B. Building materials sales.
- C. Cartage and express facilities.
- D. Commercial printing establishments.
- E. Compounding, assembly, packaging, treatment, or storage of products and materials except waste.
- F. Governmental and public utility buildings and structures; city of Lakeville only.
- G. Laboratories, research and development facilities.
- H. Manufacturing.
- I. Office, general.
- J. Outdoor civic events conducted by nonprofit organizations, each such outdoor event being limited to fourteen (14) days in any calendar year.
- K. Radio and television stations.
- L. Servicing of motor freight vehicles and heavy construction equipment; directly related accessory materials and parts sales for such repair and servicing (not including new or used vehicle sales); and accessory materials and parts warehousing which is related to and dependent upon such uses, provided that:
  - 1. All servicing of vehicles and equipment shall occur entirely within the principal structure;
  - 2. To the extent required by State law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust, or other particulate matter;
  - 3. Storage and use of all flammable materials, including liquids and rags, shall conform with applicable provisions of the Minnesota Uniform Fire Code;

4. Parking, driveway, and circulation standards and requirements shall be subject to the review and approval of the City Engineer and shall be based upon the specific needs of the operation and shall accommodate large vehicle equipment and semi-trailer/tractor trucks;
  5. The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building; and
  6. The sale of products other than those specifically mentioned in this subsection F shall be subject to a separate conditional use permit and shall be in compliance with Section 11-86-7 of this Chapter.
- M. Sexually oriented uses, principal.
- N. Trade schools.
- O. Transportation terminals.
- P. Warehousing, including self-storage facilities.
- Q. Wholesale businesses.

11-86-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this Title, the following are permitted accessory uses in an I-1 district:

- A. Buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by Chapter 21 of this Title.
- C. Ground source heat pump systems as regulated by Chapter 29 of this Title.
- D. Off-street loading as regulated by Chapter 20 of this Title.
- E. Off-street parking as regulated by chapter 19 of this title, including semitrailer trucks.

- F. Outdoor storage and parking of land/sea containers and semi tractor trailers as regulated by chapter 22 of this title.
- G. Satellite TVROs less than two meters (2 m) in diameter as regulated by chapter 30 of this title.
- H. Secondary or accessory use antennas and satellite TVROs, as regulated by chapter 30 of this title.
- I. Sexually oriented uses, accessory.
- J. Signs as regulated by chapter 23 of this title.
- K. Solar energy systems as regulated by Chapter 29 of this title.

11-86-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an I-1 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this title, provided that:
  - 1. Such use is allowed as a permitted use in a C-1 district.
  - 2. Such use does not constitute more than thirty percent (30%) of the lot area and not more than fifty percent (50%) of the gross floor area of the principal use.
- B. Animal kennels, provided that:
  - 1. The animal kennel shall be located in a freestanding building.
  - 2. An exercise area at least one hundred (100) square feet in size shall be provided to accommodate the periodic exercising of animals boarded at the kennel.



3. If an outdoor exercise area is provided, it shall be at least one hundred fifty (150) square feet in size and shall be restricted to the exercising of one animal, on leash, under the control of a handler, in the pet exercise area, at a time.
4. Outdoor exercise areas shall be fenced, not less than six feet (6') in height with an additional at least two foot (2') security arm with an internal orientation set at a thirty degree (30E) angle, and shall be of sufficient strength to retain kenneled animals. Said fence shall be located in a side or rear yard and shall provide a complete visual screen from surrounding properties in compliance with section 11-21-9 of this title. Said fence shall be set back at least one hundred feet (100') from any side or rear property line.
5. Outdoor exercise areas must be cleaned at least once a day to prevent the accumulation of animal wastes and the spread of disease.
6. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty (60) and seventy five (75) degrees Fahrenheit.
7. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
8. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
9. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
10. The appropriate license is obtained from the city clerk and the conditions of section 5-1-12 of the city code are met.

11. All state health department and Minnesota pollution control agency requirements for such facilities are met.

C. Automobile repair, major provided that:

1. All building materials and construction including those of accessory structures must be in conformance with section 11-17-9 of this title.
2. Not less than twenty five percent (25%) of the lot, parcel or tract of land shall remain as landscaped green area according to the approved landscape plan.
3. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous material or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a stormwater drainage system and is subject to the approval of the city engineer.
4. The hours of operation shall be between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. Evening hours of operation shall be subject to the approval of the city council.
5. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulate matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
6. The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulation APC, as amended.
7. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.
8. All outside storage is prohibited. The storage of damaged vehicles, vehicles being repaired and vehicle parts and accessory equipment must be completely inside a principal or accessory building.

9. All conditions pertaining to a specific site are subject to change when the Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served by modifying the conditions.

D. Commercial recreation facilities, provided that:

1. The architectural appearance and function plan of the building and the site shall be designed with a high standard of architectural and aesthetic compatibility with surrounding properties. Building materials, orientation, colors, height, roof design, lighting, signage and site landscaping shall be designed to complement the surrounding industrial properties and demonstrate potential industrial reuse. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious exterior finish treatment.
2. A commercial recreational use shall not be located within a shared tenancy building containing a use classified as an "H" occupancy as defined by Minnesota state building code, as may be amended.
3. In multiple occupancy buildings, a material safety data sheet (MSDS) shall be required identifying all materials stored or used in the operation of the tenant businesses. Any change in building tenants shall require that the MSDS be updated and provided to all other tenants in the multitenant building.
4. A commercial recreational use in a shared tenancy building shall have its own exterior entrance and exit.
5. The site must be accessed via a collector street. Vehicular access points shall create a minimum of conflict with through traffic movement, shall comply with chapter 19 of this title and shall be subject to the approval of the city engineer.

E. Daycare facilities as a principal use or accessory use provided that the use conforms to the provisions of chapter 31 of this title.

- F. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- G. Governmental and public utility buildings and structures; other than city of Lakeville.
- H. Multiple principal buildings on one lot of record, provided that:
  - 1. The lot shall conform to the minimum lot area, lot width, and setback requirements of section 11-86-13 of this chapter.
  - 2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').
  - 3. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:
    - a. All of the property including buildings and common areas shall be owned by a single entity.
    - b. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
    - c. The property shall be divided into a base lot and unit lots to allow for individual ownership of the principal buildings or individual tenant spaces within the principal building, with each owner of a unit lot having an equal and undivided interest in the common area, subject to the following requirements:
      - (1) The tenant space related to each unit lot shall have an exclusive exterior entrance.
      - (2) A management association shall be established for all commercial developments with multiple principal buildings subdivided in a base lot/unit lot configuration that is to be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of

driveways and parking areas, subject to review and approval of the city attorney.

4. Utilities:

- a. Underground Or Exterior Service: All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
- b. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.

- (1) Water Connection: A shutoff valve for each individual unit shall be provided.

- (2) Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.

- I. Personal wireless service antennas not located on an existing structure or tower as regulated by chapter 30 of this title.
- J. Satellite TVROs greater than two meters (2 m) in diameter as regulated by chapter 30 of this title.
- K. Truck stops, as regulated by chapter 37 of this title.
- L. Truck/car washes (automatic mechanical drive-through only) as an accessory use associated with a truck stop, provided:
  - 1. The accessory car/truck wash must be on the same parcel of record as the truck stop.
  - 2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.
  - 3. Magazine or stacking space must not interfere with on site circulation patterns or required on site parking or loading areas.

4. Parking or car/truck magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
5. The location and operation of vacuum machines must not interfere with magazines or stacking areas on site circulation or on site parking and loading areas.
6. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with vacuum machines. Additionally, the garage doors must remain closed during the operation of the car/truck wash.
7. Untreated water from the car/truck wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official.
8. All of the provisions as outlined in section 11-37-7 of this title must be satisfied.

11-86-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the I-1 district and are governed by chapter 5 of this title:

- A. Commercial and public radio and television transmitting antennas, public safety communication antennas, and public utility microwave antennas as regulated by chapter 30 of this title.
- B. Outdoor service, sale and rental as an accessory use, provided that:
  1. Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
  2. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with section 11-21-9 of this title.

3. Sales area is surfaced with asphalt, concrete or pavers to control dust.
4. The use does not take up parking space as required for conformity to this title.
5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.

C. Outdoor storage as a principal use, provided that:

1. The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right of way in compliance with section 11-21-9 of this title.
2. The storage area is surfaced with asphalt, concrete or pavers surfaced to control dust.
3. The storage area does not take up parking space as required for conformity to chapter 19 of this title.
4. The storage does not include any waste, except as provided in section 11-18-11 of this title.
5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.

D. WECS that exceed the height limit of this district, as regulated by chapter 29 of this title.

11-86-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an I-1 district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Outside, aboveground storage facilities for fuels used for heating purposes, or for motor fuel dispensing purposes related to the approved principal use, but not for sale. Such facilities shall be limited to liquefied petroleum and propane gas used for standby heating and to equipment used for dispensing such gaseous fields to vehicles and containers which are used in conjunction with the allowed principal use. The location and design of such facilities for new developments shall be included with the site plan submitted for review and approved as required by this title. The location and design of such facilities for existing developments in all cases shall be subject to the approval of the zoning administrator and the following criteria:
  - 1. The design, construction, and location of the equipment must comply with state and city codes including appropriate National Fire Protection Association specifications, Minnesota uniform fire code requirements, and manufacturer's specifications.
  - 2. An accurate site plan for the development based upon a certified survey, shall be submitted showing to scale the location of the storage equipment, including any fencing and landscaping relating to the safety and screening of the equipment.
  - 3. Solid wall enclosures should not be used to assure that fire hose streams can be directed onto the storage equipment with minimal obstruction.
  - 4. Equipment must be located so as not to obstruct approved parking spaces, driving aisles, fire lanes, utility easements, or required building ingress or egress points.
  - 5. No signage shall be permitted, other than required safety information, product identification, product hazards, and operation instructions. For the purpose of this chapter, "signage" included words, graphics, logos, and symbols.
- C. Personal wireless service antennas including temporary mobile towers, as regulated by chapter 30 of this title.



- D. Sales, rental or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that:
1. The area so occupied shall not exceed ten percent (10%) of the principal building.
  2. No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
  3. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by chapter 19 of this title, except as may be exempted for cause by the zoning administrator.
- E. Temporary structures as regulated by chapter 28 of this title.
- F. WECS that comply with the height limit of this district, as regulated by chapter 29 of this title.

11-86-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an I-1 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot Area:	30,000 square feet
Lot Width:	100 feet
Setbacks:	
Front yards	50 feet
Rear yards	30 feet
Side yards	10 feet on any one side, or 30 feet on the side yard abutting a street. Side yards abutting residential zoned property, not less than 50 feet on the side yard abutting the residential

	zoned property
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11-86-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the I-1 district shall exceed the following height:

- A. Principal Buildings: Three (3) stories or thirty five feet (35'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 115.** Title 11, Chapter 87 of the City Code is hereby amended to read as follows:

CHAPTER 87

I-2, GENERAL INDUSTRIAL DISTRICT

SECTION:

- 11-87--1: Purpose
- 11-87--3: Permitted Uses
- 11-87--5: Permitted Accessory Uses
- 11-87--7: Conditional Uses
- 11-87--9: Interim Uses
- 11-87-11: Uses By Administrative Permit
- 11-87-13: Lot Requirements And Setbacks
- 11-87-15: Building Height

11-87-1: PURPOSE:

The purpose of the I-2 district is to provide for the establishment of heavy industrial and manufacturing development land use which, because of the nature of the product or character of activity, requires isolation from residential and retail-service commercial uses.

11-87-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in an I-2 district:

- A. Automobile repair, major.
- B. Automobile repair, minor.
- C. Building materials sales.
- D. Cartage and express facilities.
- E. Commercial printing establishments.
- F. Compounding, assembly, packaging, treatment, or storage of products and materials except waste.
- G. Governmental and public utility buildings and structures, city of Lakeville only.
- H. Laboratories, research and development facilities.
- I. Manufacturing.
- J. Office, general.
- K. Outdoor civic events conducted by nonprofit organizations, each such outdoor event being limited to fourteen (14) days in any calendar year.
- L. Radio and television stations.
- M. Servicing of motor freight vehicles and heavy construction equipment; directly related accessory materials and parts sales for such repair and servicing (not including new or used vehicle sales); and accessory materials and parts warehousing which is related to and dependent upon such uses, provided that:
  - 1. All servicing of vehicles and equipment shall occur entirely within the principal structure;
  - 2. To the extent required by State law and regulations, painting shall be conducted in an approved paint booth, which thoroughly controls the emission of fumes, dust, or other particulate matter;
  - 3. Storage and use of all flammable materials, including liquids and rags, shall conform with applicable provisions of the Minnesota Uniform Fire Code;

4. Parking, driveway, and circulation standards and requirements shall be subject to the review and approval of the City Engineer and shall be based upon the specific needs of the operation and shall accommodate large vehicle equipment and semi-trailer/tractor trucks;
  5. The storage of damaged vehicles and vehicle parts and accessory equipment must be completely inside a principal or accessory building; and
  6. The sale of products other than those specifically mentioned in this subsection F shall be subject to a separate conditional use permit and shall be in compliance with Section 11-86-7 of this Chapter.
- N. Sexually oriented uses, principal.
- O. Trade schools.
- P. Transportation terminals.
- Q. Warehousing, including self-storage facilities.
- R. Wholesale business.

11-87-5: PERMITTED ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in an I-2 district:

- A. Buildings and structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.
- B. Fences as regulated by Chapter 21 of this Title.
- C. Ground source heat pump systems as regulated by Chapter 29 of this Title.
- D. Off-street loading as regulated by Chapter 20 of this Title.
- E. Off-street parking as regulated by chapter 19 of this title, including semitrailer trucks.

- F. Outdoor storage and parking of land/sea containers and semitractor trailers as regulated by chapter 22 of this title.
- G. Satellite TVROs less than two meters (2 m) in diameter as regulated by chapter 30 of this title.
- H. Secondary or accessory use antennas and satellite TVROs, as regulated by chapter 30 of this title.
- I. Sexually oriented uses, accessory.
- J. Signs as regulated by chapter 23 of this title.
- K. Solar energy systems as regulated by Chapter 29 of this title.

11-87-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in an I-2 district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this title, provided that:
  - 1. Such use is allowed as a permitted use in a C-1 district.
  - 2. Such use does not constitute more than thirty percent (30%) of the lot area and not more than fifty percent (50%) of the gross floor area of the principal use.
- B. Animal kennels, provided that:
  - 1. The animal kennel shall be located in a freestanding building.

2. An exercise area at least one hundred (100) square feet in size shall be provided to accommodate the periodic exercising of animals boarded at the kennel.
3. If an outdoor exercise area is provided, it shall be at least one hundred fifty (150) square feet in size and shall be restricted to the exercising of one animal, on leash, under the control of a handler, in the pet exercise area, at a time.
4. Outdoor exercise areas shall be fenced, not less than six feet (6') in height with an additional at least two foot (2') security arm with an internal orientation set at a thirty degree (30E) angle, and shall be of sufficient strength to retain kenneled animals. Said fence shall be located in a side or rear yard and shall provide a complete visual screen from surrounding properties in compliance with section 11-21-9 of this title. Said fence shall be set back at least one hundred feet (100') from any side or rear property line.
5. Outdoor exercise areas must be cleaned at least once a day to prevent the accumulation of animal wastes and the spread of disease.
6. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty (60) and seventy five (75) degrees Fahrenheit.
7. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
8. Indoor animal kennel floors and walls shall be made of nonporous materials or sealed concrete to make it nonporous.
9. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.

10. The appropriate license is obtained from the city clerk and the conditions of section 5-1-12 of the city code are met.
  11. All state health department and Minnesota pollution control agency requirements for such facilities are met.
- C. Crude oil, gasoline or other liquid storage tanks.
  - D. Daycare facilities as a principal use or accessory use provided that the use conforms to the provisions of chapter 31 of this title.
  - E. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
  - F. Governmental and public utility buildings and structures; other than city of Lakeville.
  - G. Multiple principal buildings on one lot of record, provided that:
    1. The lot shall conform to the minimum lot area, lot width, and setback requirements of section 11-86-13 of this chapter.
    2. Setbacks: Setbacks between multiple principal buildings within the same base lot shall be a minimum of twenty feet (20').
    3. Common Areas: All common areas including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, parking areas, sidewalks, etc., shall be maintained in one of the following ways:
      - a. All of the property including buildings and common areas shall be owned by a single entity.
      - b. Condominium ownership pursuant to Minnesota statutes 515A.1-106.
      - c. The property shall be divided into a base lot and unit lots to allow for individual ownership of the principal buildings or individual tenant spaces within the principal building, with each owner of a unit lot having an equal and undivided

interest in the common area, subject to the following requirements:

- (1) The tenant space related to each unit lot shall have an exclusive exterior entrance.
- (2) A management association shall be established for all commercial developments with multiple principal buildings subdivided in a base lot/unit lot configuration that is to be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of driveways and parking areas, subject to review and approval of the city attorney.

4. Utilities:

- a. Underground Or Exterior Service: All utilities including telephone, electricity, gas, and telecable shall be installed underground. Exterior utility meters and fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
- b. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.
  - (1) Water Connection: A shutoff valve for each individual unit shall be provided.
  - (2) Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the maintenance association or owners.

- H. Personal wireless service antennas not located on an existing structure or tower as regulated by chapter 30 of this title.
- I. Satellite TVROs greater than two meters (2 m) in diameter as regulated by chapter 30 of this title.
- J. Truck stops, as regulated by chapter 37 of this title.



K. Truck/car washes (automatic mechanical drive-through only) as an accessory use associated with a truck stop, provided:

1. The accessory car/truck wash must be on the same parcel of record as the truck stop.
2. Magazine or stacking space is constructed to accommodate six (6) vehicles per wash stall and shall be subject to the approval of the city engineer.
3. Magazine or stacking space must not interfere with on site circulation patterns or required on site parking or loading areas.
4. Parking or car/truck magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-21-9 of this title.
5. The location and operation of vacuum machines must not interfere with magazines or stacking areas on site circulation or on site parking and loading areas.
6. Provisions are made to control and reduce noise and special precautions shall be taken to limit the effects of noise associated with vacuum machines. Additionally, the garage doors must remain closed during the operation of the car/truck wash.
7. Untreated water from the car/truck wash shall not be discharged into the storm sewer. If the water is to be pretreated and discharged into the storm sewer, the pretreatment plans shall be subject to review and approval of the city engineer and building official.
8. All of the provisions as outlined in section 11-37-7 of this title must be satisfied.

11-87-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this title, the following are interim uses in the I-2 district and are governed by chapter 5 of this title:

- A. Commercial and public radio and television transmitting antennas, public safety communication antennas, and public

utility microwave antennas as regulated by chapter 30 of this title.

B. Outdoor service, sale and rental as an accessory use, provided that:

1. Outside services, sales and equipment rental connected with the principal use is limited to thirty percent (30%) of the gross floor area of the principal use.
2. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with section 11-21-9 of this title.
3. Sales area is surfaced with asphalt, concrete or pavers to control dust.
4. The use does not take up parking space as required for conformity to this title.
5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.

C. Outdoor storage as a principal use, provided that:

1. The storage area is fenced and screened from view of neighboring residential uses, abutting residential districts and the public right of way in compliance with section 11-21-9 of this title.
2. The storage area is surfaced with asphalt, concrete or pavers surfaced to control dust.
3. The storage area does not take up parking space as required for conformity to chapter 19 of this title.
4. The storage does not include any waste, except as provided in section 11-18-11 of this title.
5. The interim use permit shall terminate upon a change of occupancy or other date as determined by the city council in accordance with section 11-5-7 of this title.

- D. WECS that exceed the height limit of this district, as regulated by chapter 29 of this title.

11-87-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in an I-2 district by administrative permit as may be issued by the zoning administrator:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Outside, aboveground storage facilities for fuels used for heating purposes, or for motor fuel dispensing purposes related to the approved principal use, but not for sale. Such facilities shall be limited to liquefied petroleum and propane gas used for standby heating and to equipment used for dispensing such gaseous fields to vehicles and containers which are used in conjunction with the allowed principal use. The location and design of such facilities for new developments shall be included with the site plan submitted for review and approved as required by this title. The location and design of such facilities for existing developments in all cases shall be subject to the approval of the zoning administrator and the following criteria:
  - 1. The design, construction, and location of the equipment must comply with state and city codes including appropriate National Fire Protection Association specifications, Minnesota uniform fire code requirements, and manufacturer's specifications.
  - 2. An accurate site plan for the development based upon a certified survey, shall be submitted showing to scale the location of the storage equipment, including any fencing and landscaping relating to the safety and screening of the equipment.
  - 3. Solid wall enclosures should not be used to assure that fire hose streams can be directed onto the storage equipment with minimal obstruction.

4. Equipment must be located so as not to obstruct approved parking spaces, driving aisles, fire lanes, utility easements, or required building ingress or egress points.
  5. No signage shall be permitted, other than required safety information, product identification, product hazards, and operation instructions. For the purpose of this chapter, "signage" included words, graphics, logos, and symbols.
- C. Personal wireless service antennas including temporary mobile towers, as regulated by chapter 30 of this title.
- D. Sales, rental or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that:
1. The area so occupied shall not exceed ten percent (10%) of the principal building.
  2. No storage or display of merchandise shall be permitted in required rear, side or front yards and shall be limited to the area of the customer entrances.
  3. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by chapter 19 of this title, except as may be exempted for cause by the zoning administrator.
- E. Temporary structures as regulated by chapter 28 of this title.
- F. WECS that comply with the height limit of this district, as regulated by chapter 29 of this title.

#### 11-87-13: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in an I-2 district subject to additional requirements, exceptions and modifications set forth in this title:

Lot Area:	1 acre
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Lot Width:	100 feet
Setbacks:	
Front yards	40 feet
Rear yards	30 feet, or 50 feet on the yard abutting residential zoned property
Side yards	15 feet on any one side, or 40 feet on the side yard abutting a street; except 50 feet on the side yard abutting residential zoned property

#### 11-87-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the I-2 district shall exceed the following height:

- A. Principal Buildings: Four (4) stories or forty five feet (45'), whichever is less.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 116.** Title 11, Chapter 96 of the City Code is hereby amended to read as follows:

#### CHAPTER 96

#### PUD, PLANNED UNIT DEVELOPMENT DISTRICT

#### SECTION:

- 11-96--1: Purpose
- 11-96--3: Application
- 11-96--5: Allowed Uses
- 11-96--6: Lot Requirements
- 11-96--7: Setbacks And Building Height
- 11-96--9: Integrated Design
- 11-96-11: Sketch Plan
- 11-96-13: Development Stage Plan
- 11-96-15: Final Plan

11-96-17: Processing  
11-96-19: Periodic PUD Review  
11-96-21: Plan Modification/Amendment Of A PUD  
11-96-23: General Requirements  
11-96-25: Planned Unit Development Districts

11-96-1: PURPOSE:

The purpose of the PUD district is to provide comprehensive procedures and standards intended to allow flexibility in the development of residential neighborhoods and/or nonresidential areas than would be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the city council to make in its legislative capacity. The intent of this chapter is to:

- A. Provide for the establishment of PUD districts in appropriate settings and situations to create or maintain a development pattern that complies with the comprehensive plan.
- B. Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished under this title.
- C. Provide for variations to the strict application of the land use regulations in this title in order to improve site design and operation, while at the same time incorporating design elements (e.g., construction materials, landscaping, lighting, etc.) that exceed the city's standards to offset the effect of any variations.
- D. Promote a more creative and efficient approach to land use within the city, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the city.
- E. Preserve and enhance natural features and open spaces.
- F. Maintain or improve the efficiency of public streets and utilities.
- G. Ensure the establishment of appropriate transitions between differing land uses.

11-96-3: APPLICATION:

Except for the portion of the city defined as the central area by the comprehensive plan, a PUD district shall not be established for parcels guided for low density residential, rural or agricultural land uses by the comprehensive plan with a district area less than three hundred twenty (320) acres, except to allow for public or quasi-public uses.

11-96-5: ALLOWED USES:

All permitted uses, permitted accessory uses, conditional uses, interim uses, and uses allowed by administrative permit contained in the various zoning districts defined in chapter 45 of this title shall be treated as potentially allowable uses within a PUD district, provided they would be allowable on the site under the comprehensive plan.

11-96-6: LOT REQUIREMENTS:

The following minimum lot requirements shall be observed in the central area, as delineated in the city's comprehensive plan, PUD district for single-family detached dwellings:

Lot area:		
	Corner	12,500 square feet
	Interior	11,000 square feet
Lot width:		
	Corner	100 Feet
	Interior	85 Feet

11-96-7: SETBACKS AND BUILDING HEIGHT:

The various setback and height regulations of the most closely related conventional zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purposes described in section 11-96-1 of this chapter.

11-96-9: INTEGRATED DESIGN:

A PUD district shall consist of a harmonious arrangement and selection of land uses in groupings of buildings that are planned and designed as an integrated unit. The integrated design shall include elements such as building orientation and materials, utilities, parking areas, traffic and pedestrian circulation, landscaping, and open spaces.

11-96-11: SKETCH PLAN:

Prior to the filing of a formal application, the applicant shall submit a sketch plan of the project to the zoning administrator. A sketch plan shall be processed according to the information requirements, standards and procedures for sketch plans as established by chapter 9 of this title.

11-96-13: DEVELOPMENT STAGE PLAN:

Development stage submissions shall depict and outline the proposed implementation of the sketch plan stage for the PUD. Information from the sketch plan stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include, but not be limited to, the submission requirements stipulated in chapter 9 of this title.

11-96-15: FINAL PLAN:

After approval of the development stage plan, the applicant may apply for final plan approval for all or a portion of the PUD. The applicant shall submit the following material for review by and approval of the zoning administrator prior to issuance of any building permit(s):

- A. If the PUD will be developed in different phases, the applicant shall submit a phasing plan for construction of the various elements of the entire PUD.
- B. Development plans in final form based on the approved development stage plan, covering that portion of the PUD where building permits will be requested under the phasing plan.



- C. Proof of recording any easements and restrictive covenants prior to the sale of any land or dwelling unit within the PUD and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
- D. All certificates, seals and signatures required for the dedication of land and recordation of documents.
- E. Final architectural working drawings of all structures.
- F. A final plat and final engineering plans and specifications for streets, utilities and other public improvements, together with a development contract agreement for the installation of such improvements and financial guarantees for the completion of such improvements.
- G. Any other plan, agreements, or specifications necessary for the zoning administrator to review the proposed final plan.

11-96-17: PROCESSING:

- A. Preapplication Conference: Prior to the filing of an application for PUD, the applicant of the proposed PUD is encouraged to arrange for and attend a conference with the zoning administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his proposal for the area for which it is proposed and its conformity to the provisions of this title before incurring substantial expense in the preparation of plans, surveys and other data.
- B. Sketch Plan:
  - 1. Application Procedures And Information Requirements: Prior to the filing of a formal application, the applicant shall submit a sketch plan of the project to the zoning administrator. A sketch plan will be processed according to the information requirements, standards and procedures for sketch plans as established by section 11-96-11 of this chapter.
- C. Development Stage:

1. Application Procedure: PUD zoning district applications shall be processed according to the evaluation criteria and procedures outlined in chapter 3 of this title.
  2. Information Requirement:
    - a. The information required for all PUD development stage plan applications shall be as specified in section 11-96-13 of this chapter.
    - b. The zoning administrator, planning commission, and/or city council may excuse an applicant from submitting any specific item of information or document required by this section which it finds to be unnecessary to the consideration of the specific PUD being considered.
  3. Zoning Enactment: A rezoning of a parcel of land to PUD shall not become effective until such time as the city council approves an ordinance reflecting said amendment, which shall take place at the time the city council approves the development stage plan.
- D. Final Stage Plan: After approval of a development stage plan for all or a portion of the proposed PUD, the applicant shall submit the materials outlined in section 11-96-15 of this chapter for review by the zoning administrator prior to issuance of a building permit(s).

#### 11-96-19: PERIODIC PUD REVIEW:

The city council may require periodic review of a PUD district as a condition to approval of a PUD in order to ensure compliance with the conditions of the PUD. At such times, the city council may, at its discretion, choose to take additional testimony on the PUD district.

#### 11-96-21: PUD DISTRICT AMENDMENT / PLAN MODIFICATION:

The City Council or Planning Commission upon their own motion or any person owning or having interest in real estate within an established PUD District may initiate a request to amend the provisions or plans of said PUD District. The same review procedure shall be followed for a plan outlined in subsection 11-96-17.C of this chapter, except that proposed amendments

meeting the following criteria, as determined by the Zoning Administrator, may be approved administratively in accordance with Chapter 8 of this Title:

- A. Only applications for preexisting uses or uses explicitly classified as allowed uses within the respective PUD Districts of which the property is zoned are eligible for administrative approval.
- B. The plan amendment shall not result in an increase in hours of operation, traffic, employees, or number of dwelling units, expand any principal building or otherwise increase the intensity of the use of the site.
- C. The plan amendment shall comply with all lot and setback requirements of the PUD District and all other applicable performance standards of this Title or the City Code.
- D. All applications for plan amendment shall be complete and in full accordance with the requirements of Section 11-9-13 of this Title and all applicable fees shall be paid.

#### 11-96-23: GENERAL REQUIREMENTS:

- A. Records: The zoning administrator shall maintain a record of all PUD districts approved by the city, including information on a project's allowed uses, all pertinent project plans, any conditions imposed on a project by the city council, and such other information as the zoning administrator may deem appropriate.
- B. Withdrawal Of An Application: Any application under this chapter may be withdrawn by an applicant without prejudice at any time prior to final city council action thereon.
- C. Platting Of A PUD: In the event that a PUD is to be subdivided into lots or parcels for the purpose of separate ownership, such PUD shall be platted under the platting procedures of the Lakeville subdivision ordinance<sup>1</sup> and the related requirements of Dakota County. The preliminary plat shall be processed in conjunction with the development stage plan as outlined in subsection 11-96-17C of this chapter. A separate action on the final plat shall be processed before the city council prior to or in conjunction with the final stage of the PUD.

- D. Conveyance Of Property Within A PUD: In the event that any real property within an approved PUD is conveyed in total or in part, the buyer(s) thereof shall be bound by all provisions of the PUD and the general plan for that project. However, nothing in this chapter shall be construed as to make such conveyed property nonconforming with regard to normal zoning standards as long as the conveyed property conforms with the approved PUD and the development plan for a project.
- E. Agreement/Financial Guarantee: Following the approval of the development plan but prior to final plan approval, the applicant shall enter into an agreement with the city relating to the terms of the PUD, and shall also provide such financial guarantees as the city requires or deems necessary. Such agreement may take the form of:
1. A development contract; and/or
  2. Site improvement performance agreement; and/or
  3. Another form of legally binding instrument as may be required by the city.

**Section 117.** Title 11, Chapter 97 of the City Code is hereby amended to read as follows:

## CHAPTER 97

### P-OS, PUBLIC AND OPEN SPACE DISTRICT

#### SECTION:

11-97--1: Purpose  
11-97--3: Permitted Uses  
11-97--5: Accessory Uses  
11-97--7: Conditional Uses  
11-97--9: Interim Uses  
11-97-11: Uses By Administrative Permit  
11-97-13: Design Standards  
11-97-15: Lot Requirements And Setbacks

11-97-1: PURPOSE:

The purpose of the P-OS, public and open space district is to provide for a specific zoning district allowing facilities devoted to serving the public. It is unique in that the primary objective of uses within this district is the provision of services, frequently on a nonprofit basis, rather than the sale of goods or services. It is intended that uses within such a district will be compatible with adjoining development, and they normally will be located along arterial or major collector streets with full availability of urban services.

#### 11-97-3: PERMITTED USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted uses in a P-OS district:

- A. Governmental utility buildings, public maintenance buildings and structures necessary for the health, safety and general welfare of the community, city of Lakeville only.
- B. Parks, trails, play fields, playgrounds and directly related buildings and structures, city of Lakeville only.
- C. Park and ride facilities; public facilities only.
- D. Public civic or cultural buildings, such as libraries, public administration buildings, fire stations, police department buildings and historical developments, city of Lakeville only.

#### 11-97-5: ACCESSORY USES:

In addition to other uses specifically identified elsewhere in this title, the following are permitted accessory uses in a P-OS district:

- A. Accessory uses and buildings incidental and customary to uses allowed as permitted, conditional, interim and administrative permits in this chapter.
- B. Fences as regulated by chapter 21 of this title.
- C. Ground source heat pump systems as regulated by chapter 29 of this title.

- D. Off-street parking and off-street loading as regulated by chapters 19 and 20 of this title, but not including semitrailer trucks, except in designated loading areas not to exceed four (4) hours.
- E. Secondary or accessory use antennas or satellites as regulated by chapter 30 of this title.
- F. Signs as regulated by chapter 23 of this title.
- G. Solar energy systems as regulated by chapter 29 of this title

11-97-7: CONDITIONAL USES:

In addition to other uses specifically identified elsewhere in this title, the following are conditional uses in a P-OS district and require a conditional use permit based upon procedures set forth in and regulated by chapter 4 of this title. Additionally, besides the specific standards and criteria which may be cited below for respective conditional uses, each request for a conditional use permit shall be evaluated based upon the standards and criteria set forth in subsection 11-4-3E and section 11-4-7 of this title.

- A. Automobile parking lots, city of Lakeville only, as a principal use provided that:
  - 1. The parking lot shall be subject to the requirements for commercial lots established by subsection 11-19-7I of this title.
- B. Essential services involving transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- C. Parks and recreational areas owned or operated by public bodies other than the city of Lakeville.
- D. Personal wireless service antennas and telephone antennas not located on an existing structure or tower, as regulated by chapter 30 of this title.
- E. High schools having a regular course of study accredited by the state of Minnesota.

F. Public civic auditoriums, indoor recreation centers, arenas or other facilities, city of Lakeville only, with an event seating capacity of more than three hundred (300) persons, provided that:

1. Access to the facility shall be provided only from a major collector or arterial street at intersections compliant with the requirements of subsection 11-19-7I6 of this title.

11-97-9: INTERIM USES:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this chapter, the following are interim uses in the P-OS district and are further governed by chapter 5 of this title.

- A. Satellite TVROs greater than one meter (1 m) in diameter as regulated by chapter 30 of this title.
- B. Temporary classroom type structure for use by public institutions.
- C. WECS exceeding the height limit of this district, as regulated by chapter 29 of this title.

11-97-11: USES BY ADMINISTRATIVE PERMIT:

In addition to other uses specifically identified elsewhere in this title, and subject to applicable provisions of this section, performance standards established by this chapter, and processing requirements of chapter 8 of this title, the following are uses allowed in a P-OS district by administrative permit:

- A. Essential services, except transmission pipelines and transmission or substation lines in excess of 33kV and up to 100kV, as regulated by chapter 26 of this title.
- B. Personal wireless service antennas located upon an existing structure or tower or temporary mobile tower as regulated by chapter 30 of this title.

- C. Temporary structures as regulated by chapter 28 of this title.
- D. WECS that comply with the height limit of this district, as regulated by chapter 29 of this title.

11-97-13: DESIGN STANDARDS:

The architectural appearance and functional design of the building and site shall maintain a high standard of architectural and aesthetic compatibility with surrounding uses so as to positively reflect desired community character. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment and shall comply with section 11-17-9 of this title.

11-97-15: LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall be observed in a P-OS district subject to additional requirements, exceptions and modifications set forth in this title:

- A. Parks, trails, play fields, and playgrounds:

Lot area	None
Lot width	None
Setbacks (buildings only):	
Front yards	30 feet
Rear yards	30 feet
Side yards	10 feet; 30 feet abutting R district or public right of way

- B. All other uses:

Lot area	20,000 square feet
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Lot width	100 feet
Setbacks:	
Front yards	30 feet
Rear yards	30 feet
Side yards	10 feet; 30 feet abutting R district or public right of way

#### 11-97-15: BUILDING HEIGHT:

Except as provided for by section 11-17-7 of this title or other requirements, exceptions and modifications set forth in this title, no structure within the P-OS district shall exceed the following height:

- A. Principal Buildings: No height limit.
- B. Accessory Buildings: As regulated by section 11-18-9.C of this title.

**Section 118.** Title 11, Chapter 46 of the City Code is hereby amended to read as follows:

#### CHAPTER 102

#### S, SHORELAND OVERLAY DISTRICT

#### SECTION:

- 11-102--1: Purpose
- 11-102--3: District Authorization
- 11-102--5: District Application
- 11-102--7: District Boundaries
- 11-102--9: Shoreland Classification
- 11-102-11: Allowable Land Uses
- 11-102-13: Minimum Lot And Setback Requirements
- 11-102-15: Nonconformities

11-102-17: Development Regulations  
11-102-19: Shoreland Alterations  
11-102-21: Planned Shoreland Development  
11-102-23: Variances  
11-102-25: Conditional Uses  
11-102-27: Notifications To The Department Of Natural Resources  
11-102-29: Effect Of Permit

11-102-1: PURPOSE:

The purpose of the S district is to manage the effect of shoreland and water surface crowding, to prevent pollution of surface and ground waters of the city, to provide ample space on lots for sewage treatment systems, to minimize flood damages and to maintain natural characteristics of shorelands and adjacent water areas via shoreland controls which regulate lot sizes, placement of structures and alterations of shoreland areas.

11-102-3: DISTRICT AUTHORIZATION:

The shorelands within the city are hereby designated as shoreland districts and the requirements set forth in this chapter shall govern development and other activities within these districts, pursuant to the authorization and policies contained in Minnesota statutes chapter 103F, Minnesota rules, parts 6120.2500 - 6120.3900. The classification of the shoreland areas shall govern the use, alteration, and development of these areas according to said classification.

11-102-5: DISTRICT APPLICATION:

The S, shoreland overlay district shall be applied to and superimposed (overlaid) upon all zoning districts as identified in chapter 45 of this title as existing or amended by the text and map of this chapter. The regulations and requirements imposed by the S district shall be in addition to those established for districts which jointly apply. Under the joint application of districts, the more restrictive requirements shall apply.

11-102-7: DISTRICT BOUNDARIES:

The boundaries of the S, district are established within the following distances from the ordinary high water mark of the

surface water depending on the size of the surface water as indicated on the Lakeville Zoning Map:

Surface Water	Distance (Feet) <sup>1</sup>
Greater than 10 acres (table 1)	1,000
Rivers and streams (draining an area greater than 2 square miles)	300 <sup>2</sup>
<p>NOTES:</p> <p>1. The practical distance may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.</p> <p>2. The distance requirement shall be increased to the limit of the floodplain when greater than three hundred feet (300').</p>	

#### 11-102-9: SHORELAND CLASSIFICATION:

- A. The surface waters affected by this chapter and which require controlled development of their shoreland (shoreland district) are shown on the Zoning Map established by Section 11-45-5 of this Title.
- B. Surface waters generally greater than ten (10) acres are given an identification number by the State as defined in Section 11-102-3 of this chapter and identified by the tables below.

##### 1. Lakes:

Name	DNR ID#	Classification	OHWL
Lake Marion	19-26	Refer to Sec. 11-102-9.C	983.1
Orchard Lake	19-31	Recreational Development (RD)	977.6
Crystal Lake	19-27	Recreational Development (RD)	934.5
Lake Kingsley	19-30	Natural Environment (NE)	978.5
Lee Lake	19-29	Recreational Development (RD)	948.5
Horseshoe Lake	19-32	Natural Environment (NE)	--
Unnamed Lake	70-11	Natural Environment (NE)	--

## 2. Rivers:

Name	Classification	Location	
		To	From
Unnamed to Vermillion River(S. Branch of North Creek)	Tributary (T)	Sec8 T114 R20	Sec29 T114 R19
Unnamed to Vermillion River (N. Branch of North Creek)	Tributary (T)	Sec34 T115 R20	Sec12 T114 R20
Unnamed to Unnamed	Tributary (T)	Sec17 T114 R20	Sec30 T114 R19
Unnamed to Unnamed	Tributary (T)	Sec21 T114 R20	Sec23 T114 R20
Unnamed to Vermillion River (S. Branch of South Creek)	Tributary (T)	Sec36 T114 R21	Sec36 T114 R20
Unnamed to Unnamed	Tributary (T)	Sec19 T114 R20	Sec33 T114 R20

## C. Lake Marion:

- As provided for by Alternative Shoreland Management Standards under Minnesota Rules ALT6120, the shoreland classification of Lake Marion, DNR Identification Number 19-26, shall be set forth by this section to reflect the distinct characteristics of specific areas of the water body to provide for appropriate management of shoreland areas:

Location of lands subject to regulation of applicable classification:	Classification
That portion of Lake Marion east of I-35, including: Sec19 T114 R20 Sec30 T114 R20 Sec13 T114 R21, except as described below Sec24 T114 R21, except as described below Sec25 T114 R21	Recreational Development (RD)
That portion of Lake Marion	Natural Environment

west of I-35, including: W-½ of SW-¼ Sec13 T114 R21 S-½ Sec14 T114 R21 E-½ Sec23 T114 R21 W-½ of NW-¼ Sec24 T114 R21	(NE)
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2. Existing Lots of Record as of May 17, 2010 shall remain subject to the minimum lot and setback requirements and other provisions of this chapter applicable to the recreational development classification.
3. Future rezoning of an existing lot of record or approval of any subdivision to allow a more intensive land use shall be subject to the minimum lot and setback requirements and other provisions of this chapter applicable to the classification established by section 11-102-9.C.1 of this title.

D. Other surface waters affected by this chapter, generally having less than ten (10) acres, are classified as wetland systems and thus regulated under the provisions of section 11-16-13 of this title.

#### 11-102-11: ALLOWABLE LAND USES:

The land uses allowable for the S district shall follow the "permitted", "permitted accessory", "administrative permit", "interim" and "conditional" use designations as defined and outlined in the base zoning districts.

#### 11-102-13: MINIMUM LOT AND SETBACK REQUIREMENTS:

Subject to other more restrictive limitations which may be imposed by this title, the following minimum requirements shall be observed in the following zoning districts which are overlaid by the S district:

- A. Residential (RS-1, RS-2, RS-3, RS-4, RST-1, RST-2, RS-CBD, RM-1, RM-2, RH-1 and RH-2 Districts):

	<u>NE</u>	<u>RD</u>	<u>T</u>

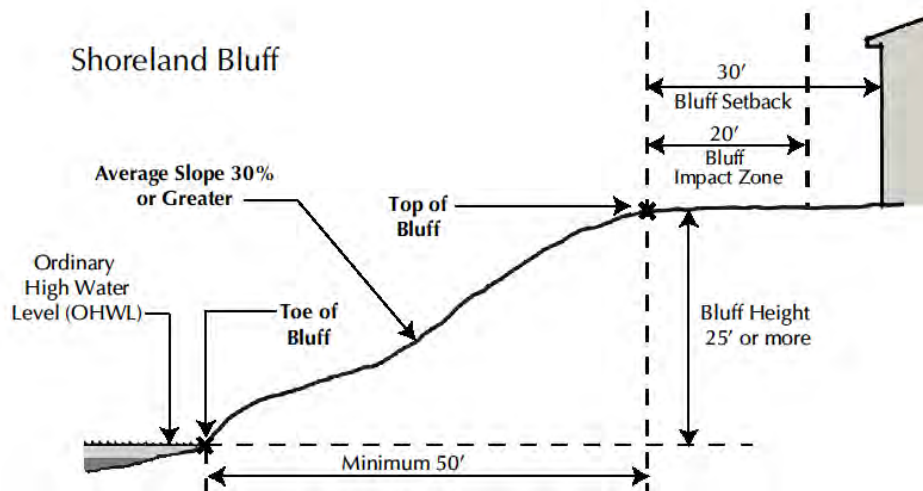
1. Lot Area:			
a. Sewered:			**
(1) Abutting:			
Single	40,000	20,000	
Duplex	70,000	35,000	
Triplex	100,000	50,000	
Quad	130,000	65,000	
(2) Nonabutting:			**
Single	20,000	15,000	
Duplex	35,000	26,000	
Triplex	52,000	38,000	
Quad	65,000	49,000	
b. Unsewered <sup>(1)</sup>	10 acres	10 acres	10 acres
2. Lot Width:			
a. Sewered:			**
(1) Abutting:			
Single	125	75	75
Duplex	225	135	115
Triplex	325	195	150
Quad	425	255	190
(2) Nonabutting:			(2)
Single	125	75	75
Duplex	220	135	115
Triplex	315	190	150
Quad	410	245	190
b. Unsewered:			
(1) Abutting:			
Single	200	150	100
Duplex	300	225	150
Triplex	400	300	200
Quad	500	375	250

(2) Nonabutting:			
Single	200	150	100
Duplex	400	265	150
Triplex	600	375	200
Quad	800	490	250
Notes: 1. Lot area requirements in unsewered areas are delineated in section 11-17-19 of this title. 2. Lot area requirements for rivers in sewer areas are delineated by the base zoning districts. Lot area requirements in unsewered areas are delineated in section 11-17-19 of this title.			

- B. Residential subdivisions with dwelling unit densities exceeding those in this subsection A can only be allowed if designed and approved as planned unit developments under section 11-102-21 of this chapter. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in subsection A2a of this section can only be used if publicly owned sewer system is available to the property.
- C. All Other Districts: Minimum lot size requirements for all remaining zoning districts not specified in subsection A of this section are delineated in the various zoning districts defined by chapter 45 of this title.
- D. Setbacks:

	<u>NE</u>	<u>RD</u>	<u>T</u>
1. Ordinary high water mark			
Sewered	150 feet	75 feet	50 feet
Unsewered	150 feet	100 feet	100 feet
2. Top of bluff	30 feet	30 feet	30 feet
3. Unplatted cemetery	50 feet	50 feet	50 feet

4. Side yard			
Setback for property abutting a lake	20 feet	20 feet	20 feet



1. Setback requirements from the ordinary high water mark shall not apply to piers and docks. Where development exists on both sides of a proposed building site, building setbacks may be altered to more closely conform to adjacent building setbacks, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
2. Any new subdivisions, lot combinations or replats of existing lots of record shall be required to conform to the thirty foot (30') setback from the top of bluff based upon the definition within section 11-2-3 of this title. Structure setback on existing lots of record prior to March 1, 1993, shall be allowed up to twenty feet (20') from the top of bluff. The location of top of bluff for existing lots of record prior to March 1, 1993, shall be determined as provided for by section 11-2-3 of this title, except by conditional use permit to allow for expansion of



existing principal dwellings subject to the following requirements:

- a. Top of the bluff is the point, visually observed, at a clearly identifiable break in the slope from steeper to gentler above the slope and away from the water body. If no break in the slope is apparent based on visual observation, the top of bluff shall be determined based upon the definition of bluff within section 11-2-3 of this title.
- b. Toe of the bluff is the point, visually observed, at a clearly identifiable break in the slope from gentler to steeper above the slope and away from the water body. If no break in the slope is apparent based upon visual observation, the toe of bluff shall be determined based upon the definition of bluff within section 11-2-3 of this title.
- c. Any development allowed under the alternative definition for top of the bluff will not increase the area or rate of storm water drainage towards the water body.
- d. Engineered grading and construction plans for any structures are provided demonstrating that the development will not degrade the physical integrity of the bluff.
- e. A shoreland impact plan is prepared and submitted in accordance with section 11-102-17 of this chapter.
- f. In addition to the information required by section 11-4-5 of this title and section 11-102-17 of this chapter, application for a CUP under this subsection shall require submission of a cross section of the parcel, drawn to scale, identifying the following:
  - (1) Ordinary high water mark.
  - (2) Toe of the bluff.
  - (3) Top of the bluff.

(4) Bluff impact zone.

(5) Structure location(s).

D. Maximum Building Height: Building height shall be regulated by section 11-17-7 of this title.

E. Impervious Surface Coverage:

1. Impervious surface coverage limits shall apply only to that portion of the lot lying within the S district.

2. Impervious surface coverage for lots in all zoning districts shall not exceed twenty five percent (25%) of the lot area within the S district, except as provided below:

a. Where appropriate and where structures and practices for the mitigation of stormwater impacts on receiving waters are employed in compliance with the water resources management plan, or as approved by the City Engineer, impervious surface coverage shall be allowed to exceed twenty five percent (25%) impervious to a maximum of:

(1) Seventy five percent (75%) impervious surface coverage per lot within all industrial zoning districts located on tributary rivers.

(2) Seventy percent (70%) impervious surface coverage per lot within all business and CBD zoning districts located on recreational development (RD) lakes and tributary rivers.

(3) Fifty percent (50%) impervious surface coverage per lot within all business zoning districts on natural environment (NE) lakes.

b. The increase in impervious surface shall be allowed provided the following criteria are met:

(1) All structures and practices are in place for the treatment of stormwater runoff.

(2) A conditional use permit and shoreland impact plan are submitted and approved as

provided for in sections 11-102-17 and 11-102-25 of this title.

(3) Any removal of significant trees shall require a tree preservation plan in accordance with section 11-21-11 of this title.

c. Impervious surface on an individual residential lot may exceed twenty five (25%) percent of the lot area where an adjacent parcel is dedicated to the public as a buffer along a tributary river. The combined total impervious surface area of the residential parcel and the buffer parcel within the shoreland overlay district may not exceed twenty five (25%)percent.

d. Measures for the treatment of stormwater runoff and/or prevention of stormwater from directly entering a public water include such appurtenances as nutrient removal basins and other measures described in the MPCA guidance document for best management practices for stormwater quality protection in urban areas.

#### 11-102-15: NONCONFORMITIES:

- A. Non-Conforming Lots of Record: Any lot of record filed in the office of the Dakota county recorder prior to June 19, 1978, which does not meet the requirements of subsection 11-102-13A of this chapter may be allowed as a building site provided the lot meets the requirements of section 11-16-5 of this title, and subject to approval of a shoreland impact plan and the following conditions:
1. All structure and septic system setback distance requirements can be met; and,
  2. A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and,
  3. The impervious surface coverage does not exceed twenty five (25) percent of the lot.
- B. Additions/Expansions To Nonconforming Structures: All additions or expansions to the outside dimensions of an

existing nonconforming single-family structure shall be allowed by conditional use permit provided the addition or expansion meets the setback, height, and other requirements of section 11-102-13 of this chapter. Any deviation from these requirements shall be authorized by a variance pursuant to section 11-102-23 and chapter 6 of this title.

- C. Nonconforming Sewage Treatment Systems: All sanitary facilities on lots outside of the municipal urban service area inconsistent with requirements of this Chapter shall be brought into conformity within two (2) years after the effective date hereof, or discontinued immediately when there is evidence of septic tank effluent percolating from the ground, flowing directly into a lake or stream, or other indications of system failure.

#### 11-102-17: DEVELOPMENT REGULATIONS:

##### A. Shoreland Impact Plan:

1. Generally: Landowners or developers desiring to develop land or construct any dwelling or any other structure on land located within any shoreland district within the city shall first submit a conditional use permit application as regulated by chapter 4 of this title and a plan of development, thereafter referred to as "shoreland impact plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to improve or maintain the quality of the environment. Such a plan shall set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the land, including loss or change of ground cover, destruction of trees, grade courses, marshes, and wetlands. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate as much as possible potential pollution, erosion and siltation.
2. Exceptions:

- a. No conditional use permit or shoreland impact plan shall be required for the development of permitted uses contained within the A-P, RA, RAO, RS-1, RS-2, RS-3, or RS-4 districts provided that such uses are constructed on conforming lots and when abutting a shoreline that all such uses are serviced with public sanitary sewer, or are located on lots which are ten (10) acres or more in size.
  - b. No conditional use permit or shoreland impact plan shall be required for the development of permitted accessory uses within the A-P, RA, RAO, RS-1, RS-2, RS-3, or RS-4 districts.
- B. Bluff Impact Zones: Structures and accessory facilities except stairways, landings, and public utilities shall not be placed within bluff impact zones.
- C. Stairways, Lifts, And Landings: Stairways and lifts, solely for the purpose of pedestrian transportation, are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
  1. Stairways and lifts shall not exceed four feet (4') in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
  2. Landings for stairways and lifts on residential lots shall not exceed thirty two (32) square feet in area;
  3. Canopies or roofs are not allowed on stairways, lifts, or landings;
  4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, no higher than thirty inches (30") above grade at any one point, or placed into the ground provided they are designed and built in a manner that ensures control of soil erosions;
  5. Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as

viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subsection C1 through C4 of this Section are complied within addition to the requirements of Minnesota rules, chapter 3325.
- D. Steep Slopes: The city engineer shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- E. Sewage And Waste Disposal: Any premises used for human occupancy shall be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.
1. Public Safety Sewers: Public safety sewer collection and treatment facilities shall be used where available, and where feasible.
  2. Private Sewage Systems: All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document "Individual Sewage Treatment Systems Standards, Chapter 7080", the rules and regulations of the Minnesota Department of Health, and Dakota County.
  3. Drain Fields: A septic tank-drain field system shall be the only acceptable system for installation unless it can be demonstrated that this system is not feasible on the particular lot in question and it can be demonstrated that the system being proposed as an alternate will not cause a pollution problem.
  4. Individual Systems:

- a. Generally: All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in the following subsection E4b of this Section. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.
- b. Evaluation Criteria:
  - (1) Depth to the highest known or calculated ground water table or bedrock;
  - (2) Soil conditions, properties, and permeability;
  - (3) Slope;
  - (4) The existence of lowlands, local surface depressions, and rock outcrops; and
  - (5) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with subsection 11-102-15C of this chapter.
- 5. Permit Required: No person may install, alter, repair or extend any individual sewage disposal system without first obtaining a permit therefore from the City for the specific installation alteration, repair or extension.
- 6. Placement: Placement of septic tank soil absorption systems shall be subject to the following setback requirements where soil conditions are adequate:
  - a. On natural environment lakes, at least one hundred fifty feet (150') from the normal high-water level.
  - b. On recreational development lakes, at least seventy five feet (75') from the normal high-water level.
  - c. On tributary streams, at least seventy five feet (75') from the normal high-water level.

7. Soil Absorption Systems: Soil absorption systems shall not be allowed in the following areas for disposal of domestic sewage.
  - a. Low swampy areas or areas subject to recurrent flooding.
  - b. Areas where the highest known ground water table, bedrock or impervious soils conditions are within three feet (3') of the bottom of the system.
  - c. Areas of ground slope which create a danger of seepage of the effluent onto the surface of the ground.
  - d. Areas lying within the 50-year flood plain.
- F. Water Supply: Any private supply of water for domestic purposes shall conform to Minnesota Pollution Control Agency, Dakota County, and Minnesota Department of Health Standards for water quality. Private wells shall be placed in areas not subject to flooding and up slope from any source of contamination. Wells already existing in areas subject to flooding shall be floodproofed in accordance with State Building Code standards. No private wells shall be located closer than three feet (3') to the outside basement wall of a dwelling. The outside basement footing shall be continuous across the opening of the well alcove. No well shall be located closer than ten feet (10') to a property line.
- G. Stormwater Management: The following general and specific standards shall apply in regard to stormwater management within any shoreland district within the city:
  1. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
  2. Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible, and no later than thirty (30) days after completion of the



project. All methods of stormwater management shall comply with the water resources management plan.

3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
4. When constructed facilities are used for stormwater management, documentation shall be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the Dakota County Soil and Water Conservation District.
5. New constructed stormwater outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

H. Placement And Design of Streets, Driveways, and Parking Areas: The following standards shall apply in regard to street, driveway and parking area placement and design within any shoreland district within the city.

1. Public streets and private driveways and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall be provided by the City Engineer that all streets, driveways and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the Dakota County Soil and Water Conservation District.
2. Private driveways and parking areas shall meet structure setbacks from the ordinary high water level and bluff line and shall not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these

areas by conditional use permit, and must be designed to minimize adverse impacts. Natural vegetation or other natural materials shall be required in order to screen parking areas when viewed from the water.

3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of subsection 11-102-19B of this chapter shall be met.
- I. Fences: Fences shall not exceed forty two inches (42") in height and shall be at least seventy five percent (75%) open space for passage of air and light inside the ordinary high-water level setback. Fences shall not be located within ten feet (10') from the ordinary high-water level.

#### 11-102-19: SHORELAND ALTERATIONS:

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

- A. Vegetation Alterations: The removal of natural vegetation shall be restricted to prevent erosion into public waters, to conserve nutrients in the soil, and to preserve shoreland aesthetics.
1. During the site grading of new subdivision development and other planning actions, any removal of significant trees shall require a tree preservation plan in accordance with the city's tree preservation guidelines.
  2. Natural vegetation shall be restored as soon as feasible after any construction project, but not later than the start of the next growing season.
  3. The provisions of this Section shall not apply to vegetation alterations necessary for the construction of structures, sewage treatment systems and the construction of roads and parking areas as regulated in subsection 11-102-17H of this chapter subject to the following standards:

- a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed consistent with the field office technical guides of the Dakota County Soil and Water Conservation District.
- b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, access paths, beach and watercraft access areas or facilities, provided that:
  - (1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
  - (2) Along rivers, existing shading of water surfaces is preserved.
  - (3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

B. Grading And Filling Associated With Any Development Project Involving Subdivisions, Commercial, Industrial, Or Multiple- Family Uses:

- 1. Grading and filling within shoreland districts, or any alterations of the natural topography where the slope of the land is toward a public water or watercourse leading to a public water shall be consistent with the field office technical guides of the Dakota county soil and water conservation district and approved by the city engineer. A permit shall be obtained prior to the commencement of any work thereon. The permit may be granted subject to the conditions that:

- a. Temporary ground cover such as mulch shall be used and permanent cover such as sod shall be planted as soon as possible.
- b. Methods to prevent erosion and trap sediment shall be employed in accordance with section 11-16-7 of this title and consistent with the field office technical guides of the Dakota County Soil and Water Conservation District.
- c. Fill shall not be placed in areas lower in elevation than the normal high-water level.
- d. Fill shall be stabilized according to accepted engineering standards.
- e. Fill shall not restrict a floodway or destroy the storage capacity of a flood plain.
- f. The maximum slope of the finished surface which slopes toward a water body or a watercourse leading to such water body shall be three (3) units horizontal to one vertical.
- g. Fill or excavated material must not be placed in bluff impact zones.
- h. Any alterations below the ordinary high-water level of public waters must first be authorized by the Commissioner under Minnesota Statutes section 103G.245.
- i. Alterations of topography will only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
- j. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet (3') horizontal to one foot (1') vertical, the landward extent of the riprap is within ten feet (10') of the ordinary high-water level, and the height of the riprap above the ordinary high-water level does not exceed three feet (3').

2. Any work which will change or diminish the course, current, or cross section of a public water shall require a permit from the City Engineer and be approved by the Department of Natural Resources before the work is begun. This includes construction of boat slips, canals, channels and ditches, lagooning, dredging of lake bottom for the removal of muck, silt or weeds, and filling in the lake bed including low lying marsh areas. Approval will be given only if the proposed work is consistent with applicable State regulations for beds of public waters.

C. Special Provisions For Agricultural, Extractive, And Commercial Uses:

1. Agriculture Use Standards:

- a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (resource management systems) consistent with the field office technical guides of the Dakota County Soil and Water Conservation District or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty feet (50') from the ordinary high water level.
- b. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

2. Extractive Use Standards: All excavations and mining within the S district shall be in compliance with the Lakeville excavations and mining ordinance, title 7, chapter 4 of the city code.

3. Commercial Use Standards: Uses without water oriented commercial needs located on protected lakes must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with

public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

11-102-21: PLANNED SHORELAND DEVELOPMENT:

Flexible application of the allowable land uses, minimum lot area and setback requirements and development regulations of this chapter may be used within a shoreland district, provided that the following requirements are satisfactorily met:

- A. Conditional Use Permit. Except for the allowances of section 11-102-21.D.2.d of this title, planned shoreland developments shall require a conditional use permit based upon procedures set forth and regulated by chapter 4 of this title.
- B. Sewer And Water: Planned shoreland developments shall be connected to municipal sewer and water.
- C. Open Space: Residential planned shoreland developments shall contain open space meeting all of the following criteria:
  - 1. At least fifty percent (50%) of the total project area shall be preserved as open space.
  - 2. Dwelling units or sites, road rights of way, or land covered by road surfaces, parking areas, or structures, except water oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
  - 3. Open space shall include areas with physical characteristics unsuitable for development in their natural state.
  - 4. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites.
  - 5. The appearance of open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.

6. The shore impact zone, based on normal structure setbacks, shall be included as open space. At least fifty percent (50%) of the shore impact zone area of existing developments or at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state.

D. Residential Density Evaluation:

1. Procedures And Standards: Proposed new or expansions to existing planned shoreland developments shall be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in section 11-102-21.D.2 of this Title.

- a. The project parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

SHORELAND TIER DIMENTIONS		
	Unsewered (Feet)	Sewered (Feet)
Recreational development lakes	267	267
Natural environment lakes	400	320
All rivers	300	300

- b. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to the residential planned shoreland development density evaluation steps to arrive at an allowable number of dwelling units or sites.
2. Residential Base Density Evaluation: The procedures for determining the base density and density increase multipliers are as follows. Allowable densities may be

transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer.

- a. **Formula:** The suitable area within each tier is divided by the single residential lot size standard for lakes and rivers. Proposed locations and numbers of dwelling units or sites for the residential planned shoreland developments are then compared with the tier, density, and suitability analysis herein and the design criteria in this subsection D.
- b. **Increases:** Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards for the various zoning districts established by chapter 45 of this title are met or exceeded and the design criteria in this subsection D are satisfied. The allowable density increases in section 11-102-21.D.2.c of this Title will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty percent (50%) greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least twenty five percent (25%) greater than the minimum setback.
- c. **Allowable Dwelling Unit Or Dwelling Site Density Increases For Residential Planned Shoreland Developments:**

Density Evaluation Tiers	Within Each Tier (%)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

- d. **Residential Shoreland Density Reserve.**



1. The change in classification of that portion of Lake Marion from recreational development to natural environment described in section 11-102-9.C of this title results in a net decrease in potential development density of 209 dwelling units.
  2. Subject to establishment of a PUD district as set forth by chapter 96 of this title and the criteria established by this section, the city may transfer based on policies of the comprehensive plan at its discretion and without inference that such transfer is allowed by right not more than 209 dwelling units from the Shoreland Overlay District of Lake Marion to other Recreational Development, Natural Environment or Tributary Shoreland Overlay District areas within the city identified in section 11-102-9 of this title.
  3. Development of a lot or lots receiving density transferred from the density reserve shall comply with all regulations established by this chapter specifically and the zoning ordinance generally unless exempted by this section or other provisions of this title.
  4. The transfer of dwelling units from the density reserve shall be in addition to the density allowed by the evaluation provided for by section 11-102-21.D of this title subject to compliance with the requirements for density increases in section 11-102-21.D.2.b of this title.
  5. The zoning administrator shall maintain a record of approved dwelling unit transfers from the density reserve and provide notices to the DNR as required by Section 11-102-27 of this Title.
- E. Erosion Control And Storm Water Management: Erosion control and storm water management plans shall be prepared for all planned shoreland developments and shall be consistent with subsection 11-102-17G of this chapter.
- F. Centralization And Design Of Facilities: Centralization and design of facilities and structures shall be done according to the following standards:

1. Dwelling units or sites shall be clustered into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification. Setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level shall be increased in accordance with subsection D2 of this section for developments with density increases.
  2. Structures, parking areas, and other facilities shall be treated to reduce visibility as viewed from the public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided.
  3. Accessory structures and facilities shall meet the required principal structure setback and must be centralized.
- G. Evaluation Of Factors: The following factors are carefully evaluated to ensure that the increased density of development is consistent with the resource limitations of the public water:
1. Suitability of the site for the proposed use.
  2. Physical and aesthetic impact of increased density.
  3. Level of current development.
  4. Amount of ownership of undeveloped shoreland.
  5. Levels and types of water surface use and public access.
  6. Possible effects on overall public use.
- H. Facilities: Any recreational or community facility allowed as part of the planned shoreland development conforms to all applicable federal and state regulations including, but not limited to, the following:
1. Waste disposal regulations.

2. Water supply regulations.
  3. Building codes.
  4. Safety regulations.
  5. Regulations concerning the appropriate use of "public waters" as defined in Minnesota statutes section 103G.245.
  6. Applicable regulations of the Minnesota Environmental Quality Board.
  7. Storm sewer.
- I. Alteration Approval: The final planned shoreland development shall not be modified or altered in any way without written approval from the Department of Natural Resources.
  - J. Central Shoreline Facilities: Planned shoreland developments incorporating shoreline recreational facilities such as beaches, docks, or boat launching facilities, etc., shall be designed such that said facilities are centralized for common utilization.

11-102-23: VARIANCES:

Variances may be granted by the city council upon application as required in chapter 6 of this title in extraordinary cases, but only when the proposed use is determined to be in the public interest and no variance shall be granted which the council determines will or has a tendency to:

- A. Result in the placement of an artificial obstruction which will restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the watershed districts in conjunction with sound floodplain management.
- B. Result in incompatible land uses or which would be detrimental to the protection of surface and ground water supplies.

- C. Be not in keeping with land use plans and planning objectives for the city or which will increase or cause damage to life or property.
- D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the city.
- E. No permit or variance shall be issued unless the applicant has submitted a shoreland impact plan as required and set forth in this chapter. In granting any variance, the council may attach such conditions as they deem necessary to ensure compliance with the purpose and intent of this chapter.

#### 11-102-25: CONDITIONAL USES:

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures set forth in chapter 4 of this title. The following additional evaluation criteria and conditions apply within shoreland areas:

- A. Evaluation Criteria: A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
  - 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
  - 2. The visibility of structures and other facilities as viewed from public waters is limited.
  - 3. The site is adequate for water supply and on site sewage treatment.

#### 11-102-27: NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES:

- A. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed

subdivisions/plans must include copies of the subdivision/plat.

- B. A copy of approved amendment and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action.

11-102-29: EFFECT OF PERMIT:

The granting of any permit, variance, or subdivision approval under provisions of this chapter shall in no way affect the owner's capability to obtain the approval required by any other statute, ordinance or legislation of any state agency or subdivision thereof. Approval may be expressly given in conjunction with other permits applied for, but no approval shall be implied from the grant of such permits nor from the necessity to apply for a permit as described herein.

**Section 119.** This ordinance shall be in full force and effect upon its passage and publication according to law.

**ADOPTED by the City Council of the City of Lakeville, Minnesota, this 17th day of May, 2010.**

CITY OF LAKEVILLE

BY: \_\_\_\_\_  
Holly Dahl, Mayor

ATTEST:

\_\_\_\_\_  
Charlene Friedges, City Clerk